

PERSONNEL POLICY  
For  
CAMDEN COUNTY EMPLOYEES

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# **ARTICLE I. GENERAL PROVISIONS**

## **Section 1. Purpose of the Policy**

It is the purpose of this policy and the rules and regulations set forth to establish a fair and uniform system of personnel administration for all employees of the County under the supervision of the County Manager, elected officials, Elections Board, and Social Services Board. These aforementioned entities are the official appointing authorities covered by this personnel policy. State requirements will supersede these policies for positions subject to the State Personnel Act whenever there is a conflict. This policy is established under authority of G.S. 153A, Article 5 and G.S. 126 of the General Statutes of North Carolina.

## **Section 2. Merit Principles**

All appointments and personnel actions shall be made on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and salary grade. No applicant for County employment or employee shall be deprived of employment opportunities or otherwise be adversely affected as an employee because of an individual's race, color, religion, sex, national origin, political affiliation, qualified disability, or age.

## **Section 3. Responsibilities of the County Board of Commissioners**

The County Board of Commissioners shall be responsible for establishing and approving human resources policies, the position classification and pay plan, and it may change the policies and benefits as necessary. The Board also shall make and confirm appointments when so specified by the general statutes.

## **Section 4. Responsibilities of the County Manager**

The County Manager shall be responsible to the County Board of Commissioners for the administration and technical direction of the human resources program. The County Manager shall appoint, suspend, and remove County officers and employees except those elected by the people or whose appointment is otherwise provided for by law. The County Manager shall make appointments, dismissals and suspensions in accordance with the state statutes and other policies and procedures spelled out in other Articles in this Policy.

The County Manager shall:

- a) recommend rules and revisions to the personnel system to the County Board of Commissioners for consideration;
- b) make changes as necessary to maintain an up to date and accurate position classification plan;
- c) recommend necessary revisions to the pay plan;
- d) determine which employees shall be subject to the overtime provisions of FLSA;
- f) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the County;
- g) perform such other duties as may be assigned by the County Board of Commissioners not inconsistent with this Policy; and
- h) appoint an employee to the role of Human Resources Director or serve in that role for the County.

## **Section 5. Responsibilities of the Human Resources Director**

The responsibilities of the Human Resources Director are to make recommendations to the County Manager on the following:

- a) recommend rules and revisions to the personnel system to the County Manager for consideration;
- b) recommend changes as necessary to maintain an up to date and accurate position classification plan;
- c) recommend necessary revisions to the pay plan;
- d) recommend which employees shall be subject to the overtime provisions of FLSA;
- e) maintain a roster of all persons in the County service
- f) establish and maintain a list of authorized positions in the County service at the beginning of each budget year which identifies each authorized position, class title of position, salary range, any changes in class title and status, position number and other such data as may be desirable or useful;
- g) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the County;
- h) develop and coordinate training and educational programs for County employees;
- i) investigate periodically the operation and effect of the personnel provisions of this policy; and
- j) perform such other duties as may be assigned by the County Manager not inconsistent with this Policy.

In the event there is no Human Resources Office, these duties will be assumed by the County Manager or his/her designee.

## **Section 6. Application of Policies, Plan, Rules, and Regulations**

This personnel policy and all rules and regulations adopted pursuant thereto shall be binding on all County employees. The County Manager, County Attorney, elected officials, Clerk to the Board of Commissioners, Tax Administrator, Finance Officer, appointed members of the County Board and advisory boards and commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated.

## **Section 7. Departmental Rules and Regulations**

Due to the particular personnel and operational requirements of the various departments of the County, each department is authorized to establish supplemental rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to the approval of the County Manager or designee, and shall not in any way conflict with the provisions of this Policy, but shall be considered as a supplement to this Chapter.

The Sheriff or Register of Deeds may utilize this Personnel Policy for use in his/her department at his/her discretion. If the Sheriff or Register of Deeds declines to utilize all or any part of this Personnel Policy for his/her department, then none of this Personnel Policy shall apply to that department and the County Commissioners shall not be bound by this Policy and shall not be required (except as required by the General Statutes) to provide any funding, assistance, staffing, or other resource to the Sheriff or Register of Deeds declining to abide by all or any part of this Personnel Policy.

## Section 8. Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**Adverse Action.** An involuntary demotion, reduction in pay, suspension, reduction in force, or separation from employment.

**Anniversary Date.** The employee's most recent date of employment with the county service in a permanent position.

**Appointing Authority.** Any County board or official with the legal authority to make hiring decisions.

**Classification.** A title of a single or group of positions which are sufficiently similar to require the same set of knowledge, skills, abilities, education and experience qualifications.

**Department.** (Webster's 2003) A field of activity.

**Full-time employee.** An employee who is in a position for which an average work week equals at least 40 hours, and continuous employment of at least 12 months, is required by the County

**Part-time employee.** An employee who is in a position for which an average work week of at least 20 hours and less than 40 hours and continuous employment of at least 12 months is required by the County.

**Permanent position.** A position authorized for the budget year for a full twelve months and budgeted for twenty or more hours per week. All County positions are subject to budget review and approval each year by the Board of Commissioners and all employees' work and conduct must meet County standards. Therefore, reference to "permanent " positions or employment should not be construed as a contract or right to perpetual funding or employment.

**Probationary employee.** An employee appointed to a full or part-time regular position who has not yet successfully completed the designated probationary period of six months. Persons in trainee or work against appointments are a probationary employee for the full duration of their appointment in that status.

**Regular employee.** An employee appointed to a full or part-time position who has successfully completed the designated probationary period.

**Temporary employee.** An employee appointed to a position for which either the average work week required by the County over the course of a year is less than 20 hours, or continuous employment required by the County is less than 12 months.

**Trainee.** An employee status when an applicant is hired (or employee promoted) who does not meet all of the requirements for the position. During the duration of a trainee appointment, the employee is on probationary status.

**Unit.** (Webster 2003) A single person or group especially as a part of a whole.

**Work Against Appointment.** In departments whose employees are subject to the State Personnel Act, the appointing authority may appoint an employee in a work against situation. When qualified applicants are unavailable and there is no trainee provision for the classification of the vacancy, the appointing authority may appoint an employee below the level of the regular classification in a "work against" appointment. This appointment is for the purpose of allowing the employee to gain the qualifications needed for the full class through on the job experience. A work against appointment may not be made when applicants are available who meet the training and experience requirements for the full class in the position being recruited. During the duration of the work against appointment, the employee is on probationary status.

## **ARTICLE II. POSITION CLASSIFICATION PLAN**

### **Section 1. Adoption of Classification Plan**

The County will establish and maintain a Position Classification Plan. The County Board of Commissioners has responsibility for adopting the position classification plan that assigns all County positions to position classifications. This position classification plan shall include all classes of positions in the County. For each position there shall be a written position or class description which will include the following:

- a. a position summary which explains the nature of the work responsibilities of the position;
- b. the essential duties and responsibilities;
- c. position requirements such as the knowledge, skills, and abilities necessary for performance of the work;
- d. a statement of the education, experience and training required, and desired (if different) for recruitment;
- e. specialized requirements such as licensures, certifications, or registrations; and
- f. physical requirements and working conditions in compliance with the Americans with Disabilities Act.

### **Section 2. Allocation of Positions**

The County Manager, in consultation with the appropriate Department Manager, shall approve the allocation of each position covered by the position classification plan to its appropriate class. The Departments of Social Services will process classifications through the County Manager within the parameters established by the Office of State Personnel.

### **Section 3. Maintenance of Classification Plan**

The County Manager or designee shall be responsible for the administration and maintenance of the position classification plan to ensure that position classifications accurately reflect the essential duties and responsibilities, required knowledge, skills, and abilities, and other requirements. Department Managers shall be responsible for notifying the County Manager or designee of substantive changes in the nature of the duties, responsibilities, working conditions, or other factors affecting the classification of any existing position in their department.

The County Manager or designee shall review and analyze changes in position classifications and determine whether the change in the nature or level of duties and responsibilities warrants a revision or reassignment of the position classification, establishing a new position classification to which the position is assigned, or take other appropriate action.

The County Manager or designee shall determine whether changes in a position classification warrants a review of the job evaluation points assigned to a position classification and if so, whether that change results in a change in the position classifications assigned grade in the compensation plan.

The County Managers office shall maintain all official position descriptions for all County positions and position descriptions for all positions subject to the State Personnel Act. Positions subject to the State Personnel Act are classified by the Office of State Personnel.



**Section 4.        Classification of New Positions**

The County Manager or his designee shall be responsible for analyzing and assigning new positions to existing position classifications or to a new position classification, and evaluating the new position classification for placement in the County's Compensation Plan. In the case of employees under the State Personnel Act, the County will coordinate with the State Personnel Director or their representative to ensure proper classification.

**Section 5.        Amendments of Position Classification Plan**

The Board of Commissioners shall approve amendments to the position classification plan by adding, changing, or deleting positions or classes of positions and salary grades based on internal analysis and market comparisons within the authorized budget allocation, based upon the County Manager's recommendations.

**Section 6.        Administration**

The Camden County Board of Commissioners authorizes the County Manager to implement the Position Classification Plan upon approval by the Board of Commissioners.

## **ARTICLE III. PERFORMANCE EVALUATION PROGRAM**

### **Section 1. Objective**

The primary objective of Camden County's pay for performance and performance appraisal program is to encourage a high level of employee performance and recognize County employees who exceed pre-established standards utilizing an objective evaluation system. As such, the system will reward performance for those who exceed those standards or perform at an exceptional level in serving the citizens of Camden County. All classified positions of the County are governed by this program except elected officials, executive employees appointed by the County Board of Commissioners, employees of independent boards and commissions, competitive service employees and temporary and part-time employees.

### **Section 2. Authority**

This procedure shall be approved by the County Commissioners of Camden County.

### **Section 3. Direction**

The County Manager, under the direction of the Board of Commissioners of Camden County, is responsible for implementation of a performance evaluation system.

### **Section 4. Definitions**

**ANNUAL REVIEW PERIOD:** The annual period of performance of an employee covered by these procedures begins with the employee's date of hire, or appointment to his or her current position and ends during the annual period established for employee evaluations.

**PERFORMANCE INCREASE:** An annual increase in salary based on an employee exceeding performance standards. Salary increases will be based on a uniform percentage established by the County.

**PERFORMANCE FACTOR:** A key job responsibility - linked to the County department's goals and or mission statement.

**PERFORMANCE GOAL:** A projected result - measured in terms of quality, quantity, and timeliness.

**PERFORMANCE INCREASE PROGRAM:** Provides recognition and reward for performance that consistently exceeds standards in the form of a salary adjustment to an employee's base pay.

**PROBATIONARY EMPLOYEE:** An employee assigned to a permanent position (full-time) who has not completed an approved probationary period of employment with the County in that particular position. This period is six (6) months unless extended.

**RATER:** An employee having direct authority over the employee rated, herein referred to as "Rater" or "Supervisor." The rater is designated as a Department Director, Departmental Supervisor, Executive/Administrative Official, or the County Manager.

**REGULAR EMPLOYEE:** Full-time employee who has successfully completed the probationary period in a permanent position.

## **Section 5. Policy**

- a. Employees' performance is formally evaluated annually for their current position. All employees in Camden County will be evaluated in conjunction with a schedule which coincides with preparation of the County's annual budget.
- b. Eligible employees who have been promoted/transferred/demoted and are in a probationary status may receive a performance increase upon completion of their probationary period. Note that if an employees' pay falls below the minimum of their assigned pay grade, their salary will be adjusted to the minimum of the grade, when, and if salary ranges are adjusted (normally the beginning of the pay period closest to July 1st of each year). However, upon completion of their probationary period, if a performance increase is to be awarded, the employee will receive the difference between the recommended performance amount and the range adjustment amount received.
- c. Employees who receive an overall rating of Below Standards will be provided an opportunity to improve their performance, but shall be placed on probationary status in accordance with County policy.

All employees covered by this policy are evaluated by comparing performance with established performance factors and defined performance levels.

## **Section 6. Performance Factors**

Employees in exempt and non-exempt positions are evaluated on the basis of standardized performance factors designed to measure significant dimensions of their positions as outlined in the County's adopted Performance and Management Evaluation System.

All performance factors are defined on the Performance Appraisal Form developed for each approved County job classification.

## **Section 7. Establishing Performance Goals**

It is recommended that goals be established for employees in exempt and non-exempt positions. Employees develop their performance goals and discuss them with their supervisor to ensure conformity with unit objectives and the County's goals for that particular office or department. Mutually agreed upon goals are submitted to the reviewer by the employee to ensure consistency with office/division/or departmental objectives. For probationary employees, the employee's supervisor develops the employee's initial goals.

## Section 8. Rating Employee's Performance

An employee's performance is rated on the degree to which the employee demonstrates behaviors described within each pre-established performance factor and, where applicable, on the basis of attainment of performance goals. For each performance factor, the rater selects the level, which most closely describes the employee's performance. The five (5) levels of performance used in ratings are:

- a. **Exceptional Performance:** Employee consistently performs above the established performance standard for the element. In addition, the employee regularly makes positive contributions to the work unit that demonstrates creativity and initiative. Employee has complete understanding of all the requirements of the position and how they relate to the goals of the organization, the mission of the department and the needs of other departments.
- b. **Exceeds Standards:** Employee usually performs above the established performance standard for the element. Employee performs effectively and makes contributions to the work unit that are above the established standards. Employee takes a leadership role in developing new ideas on how to improve the level of service and possesses the job knowledge, skills and abilities required to successfully complete all assigned tasks efficiently and effectively.
- c. **Meets Standards:** Employee maintains performance level in accordance with the established standard for the element and performs job duties at or near full proficiency. Employee's work is completed accurately and on time and the employee works well with associates and the public.
- d. **Needs Improvement:** Employee is not meeting some of the performance standards for some of the elements. Counseling may be necessary. Employee may need further training. Employee may be lacking some of the required knowledge, skills, and abilities required to perform some tasks to established standards.
- e. **Below Standards:** Employee not meeting the performance standards established for the elements required of this position. Corrective measures are necessary. Employee needs additional training. Employee lacks the required knowledge, skills and abilities and is unable to perform the tasks required of the position.

## Section 9. Frequency of Ratings

An employee's performance is formally evaluated at the end of the Annual Review Period with the following exceptions.

- a. **Probationary Ratings:** A probationary employee's performance is evaluated prior to the completion of the approved probationary period. Probationary ratings are to be submitted to the County Manager, or his designee, no later than fifteen (15) calendar days prior to the close of the employee's probationary period. Should an employee's performance improve or deteriorate significantly any time prior to the close of a probationary period, the preliminary performance evaluation may be modified.
- b. **Extended Probationary Ratings:** Should a probationary employee's overall performance be less than Meets Standards and the employee is not terminated, the reviewer may request, to the County Manager, or his designee, in writing, that the employee's probationary period be extended not to exceed ninety(90) additional days. The employee's performance should be evaluated and submitted to the County Manager, or his designee, prior to the completion of this extended probationary period.

- c. **Transfer/Termination of Rater:** A performance evaluation is submitted on an employee at the time of transfer, promotion, or termination of the rater for reasons other than termination for cause, provided an employee performance evaluation has not been completed within ninety (90) days. This process facilitates the new supervisor's ability to rate the employee's entire evaluation period.
- d. **Diminished Performance:** If at any time during the review period an employee's performance diminishes and falls Below Standards, the employee should be counseled to determine the cause and a specific corrective action plan should be developed. If improvement is not achieved within thirty (30) days, the employee's performance should be evaluated and the employee placed on probation, not to exceed ninety (90) days. If the employee's performance has not reached at least a Needs Improvement overall rating, the employee will be terminated. Documentation to support this action must be attached by the evaluator. The employee may be terminated at any time during the probationary period.

Reviewers are responsible for ensuring all documents are forwarded to the County Manager, or his designee, according to the time requirements outlined in this policy.

## **Section 10. Administration of Performance Appraisal**

### **Annual Fund Allocation Process**

- a. The County Manager, working with the County Commissioners, shall annually review performance of the Pay for Performance Program.

## **Section 11. Employee Evaluation Administrative Process**

The County Manager or his designee will distribute performance appraisal forms for the Departments unable to access them from the County's internal computer networks.

- a. **Establishing Standards, Goals and Objectives**  
Employees will review the standardized performance factors established for their positions. Department Heads and Supervisors (raters) meet with employees to review the performance appraisal system, discuss job requirements and standards that are applicable to the position, and, if feasible, jointly establish goals and objectives for the coming year. Employees and reviewers sign the performance appraisal form to signify this process was accomplished.
- b. **Monitoring Performance**  
To measure progress toward the accomplishment of established performance goals and the performance of job requirements, Department Heads and Supervisors should maintain accurate and specific documentation of employee performance.

Department Heads and Supervisors should provide feedback to their employees on a regular basis regarding performance.

Before the end of the Annual Review Period, the Human Resource Office will send reminders or will distribute evaluation forms and any other information and documents to facilitate the performance evaluation process.

## **ARTICLE IV. THE PAY PLAN**

### **Section 1. Definition**

The pay plan includes the Salary Schedule and the Assignment of Classes to Salary Grades and Ranges adopted by the Board of County Commissioners. The salary schedule may consist of a Hiring, Minimum, Midpoint, and Maximum rates of pay or a series of pay steps for each job classification approved by the Board of County Commissioners. Salary increases within the pay range shall be based on criteria established by the County Manager and approved by the Board of County Commissioners.

### **Section 2. Administration and Maintenance**

The County Manager shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate within the salary range established for the respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan.

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in public employment in the area, changes in the cost of living, the financial conditions of the County, and other factors. To this end, from time to time the County Manager, assisted by the Human Resources Director, shall make comparative studies of all factors affecting the level of salary ranges and may make minor adjustments in the allocation of positions to salary grades. When major adjustments encompassing numerous positions are needed, or when a general adjustment is needed to the pay plan, the County Manager shall recommend such changes in salary ranges as appear to be warranted to the Board. The Board shall adopt the Salary Schedule and assignment of Job Classes to Salary Grades, including any minor adjustments made by the County Manager during the previous budget year, annually as part of the budget process.

The County Manager may approve in-range adjustments to employee salaries not to exceed ten percent when necessary to accommodate inequities, special performance or achievements, or other issues.

### **Section 3. Starting Salaries**

All persons employed in positions approved in the position classification plan normally shall be employed at the Hiring Rate for the classification in which they are employed; however, on the recommendation of the department head, with the approval of the County Manager, employee salaries may be approved above the Hiring Rate. Reasons for hiring above the Hiring Rate include exceptional education and experience qualifications of the applicant, a shortage of qualified applicants, and/or the refusal of qualified applicants to accept employment at the Hiring Rate. Department Heads shall consider internal equity of other employees in the department when making a recommendation for employment above the Hiring Rate.

Elected officials, i.e. the Sheriff and Register of Deeds, shall be paid upon initial election or appointment, at the entry rate of pay for the position because there is no appointing authority to make decisions concerning their qualifications for placement above the hiring rate.

### **Section 4. Trainee Designation and Provisions**

Applicants being considered for employment or County employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred by the County Manager to a "trainee" status or under the State Personnel Act job classes as a "work against." In such cases, a plan for training and meeting the minimum qualification for the job classification, including a

time schedule, must be prepared by the supervisor. An employee shall remain at the trainee or "work against" salary level until the Department Head certifies that the employee is qualified to assume full responsibilities of the position and the County Manager approves the certifications. The Department Head shall review the progress of each employee in a trainee or "work against" status every six months or more frequently as necessary to determine when the employee is qualified to assume full responsibilities of the position. "Trainee" salaries may be one to three grades below the Hiring rate established for the position for which the person is being trained. Assignment three grades below is appropriate when the traineeship is expected to last two years. Assignment two grades below is appropriate for more than six months but less than two years. (Note: Positions subject to the State Personnel Act may be assigned no more than two grades below as for trainee purposes.) The actual assignment should be reviewed and approved by the Human Resources Director. A new employee designated as "trainee" or in a "work against" appointment shall be in a probationary status until requirements for the full job class are met.

If the training is not successfully completed as planned, the employee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the Hiring rate established for the job class.

### **Section 5. Probationary Pay Increases**

Employees hired or promoted into the Hiring Rate or step 1 of the pay range shall receive a salary increase within the salary range of approximately 5% upon successful completion of the probationary period. ~~Employees serving a twelve-month probationary period are eligible for consideration for this pay increase after six months of successful employment.~~ Employees hired or promoted above the hiring rate or step 1 may also be considered for an increase when removed from probationary status, based upon performance level.

### **Section 6. Pay Range Increases**

Upward movement within the established salary range for an employee is not automatic but rather based upon specific criteria prepared by the County Manager with assistance from the Human Resources Director and approved by the Board.

### **Section 7. Performance Pay Bonus**

If the County implements a performance pay system, employees who are at the maximum of the salary range for their position classification will be eligible to be considered for a performance (merit) bonus at their regular performance evaluation time. Performance (merit) bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation and shall be the same percentage of annual salary as employees within the salary range with the same performance level. Performance (merit) bonuses do not become part of base pay and shall be awarded in a lump sum payment. Employees above the maximum of the range are not eligible for this increase.

### **Section 8. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications**

**Promotions.** When an employee is promoted to a position with a higher salary grade, the employee's salary shall normally be advanced to the Hiring Rate (step 1) of the new position, or to a salary which provides an increase of at least approximately 5% over the employee's salary before the promotion, provided, however, that the new salary may not exceed the Maximum rate of the new salary range. The purpose of the promotional pay increase is to recognize and compensate the employee for assuming increased responsibility. The amount of the salary adjustment should be based on:

- a) the employee's related education, training, and experience;
- b) the nature and magnitude of the change in jobs;
- c) budget availability;
- d) consistency with similar situations in the past;
- e) internal equity within the work unit; and
- f) other relevant issues.

Cost of living (or market adjustment), probationary increases for a previous job, and other in-range increases cannot take the place of a promotional increase. The position of the employee's adjusted salary within the new salary range shall not exceed the position of the employee's salary in the current range.

**Demotions.** When an employee is demoted to a position for which qualified, the salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employees' qualifications to perform the job when the demotion is not the result of discipline. If the current salary is within the new range, the employee's salary may be retained at the previous rate, if appropriate, as determined by the County Manager. Consideration should be given to whether the employee is receiving the same pay for decreased workload or responsibility level and action should be appropriate to this consideration along with internal equity consideration of the pay rate of other employees in the same classification. If the demotion is the result of disciplinary action, the salary shall be decreased ~~at least approximately 5%~~, but may be no greater than the maximum of the new range.

**Transfers.** The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary grade shall not be changed by the reassignment.

**Reclassifications.** An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of ~~approximately 5%~~ or an increase to the Minimum Rate (or step 3) of the new pay range, whichever is higher. If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.

## **Section 9. Salary Effect of Salary Range Revisions**

When a class of positions is assigned to a higher salary range as a result of labor market conditions, employees in that class shall receive a 5% increase for each salary grade increase, if such increases do not exceed the midpoint of the new range. The employee shall receive a minimum of 5% for the range revision, even if such increases takes the employee above the midpoint of the new range. When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum established for the new class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

## **Section 10. Transition to a New Salary Plan**

The following principles shall govern the transition to a new salary plan:



- 1) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- 2) All employees being paid at a rate lower than the Minimum rate (step 3) established for their respective classes shall have their salaries raised to the new Minimum for their classes. The only exception will be those employees in probationary status and currently being paid at the Hiring Rate (step 1), a trainee rate, or in a "work against" status. These employees will remain in their same relative pay status in the new salary grade assigned.
- 3) All employees being paid at a rate above the Minimum (step 3) and below the Maximum are considered as being paid at a competitive rate for the job class and may receive any approved salary plan implementation increases as authorized by the Board.
- 4) All employees being paid at a rate above the Maximum rate established for their respective classes shall be maintained at that salary level with no increase in base pay until such time as the employees' salary range is increased above the employees' current salary.

## **Section 11. Effective Date of Salary Changes**

Salary changes approved after the first working day of a pay period shall become effective at the beginning of the next pay period, or at such specific date as may be provided by procedures approved by the County Manager.

## **Section 12. Overtime Pay Provisions**

Employees of the County can be requested and may be required to work overtime hours as necessitated by the needs of the County and determined by the supervisor. Overtime work requires the prior approval of the employee's department head or supervisor.

To the extent that local government jurisdictions are so required, the County will comply with the Fair Labor Standards Act (FLSA). The County Manager shall determine which jobs are "Non Exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

Nonexempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period or alternative FLSA approved full time schedule). Employees in law enforcement job classes may earn overtime based on a 28-day time period. Hours worked beyond the FLSA established limit will be compensated in time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA purposes.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for nonexempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be given in the form of compensatory time off or paid in accordance with the FLSA.

Compensatory time off may be granted whenever feasible and determined by the County Manager, based on recommendations from the Department Head. Accumulation of more than ~~eighty~~ forty hours of compensatory time is discouraged and must have the approval of the County Manager. Nonexempt employees separating from employment shall be paid for their compensatory time balances.

In emergency situations, where employees are required to work long and continuous hours, the County Manager may approve compensation at time and one half (1 ½) for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions.

Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted compensatory leave by their supervisor where the convenience of the department allows and in accordance with procedures established by the County Manager. Such compensatory time is not guaranteed to be taken and ends without compensation upon separation from the organization.

### **Section 13. On-Call and Call-Back Compensation**

The County provides compensation for employees who are required to be available for after hour on-call coverage. Compensation for time spent while on-call and for time spent when actually called back to work shall be determined according to the following:

- 1) On-call (standby) time consists of scheduled non-work hours in excess of the standard work period when an employee is required to be available to be called back to work on a regularly scheduled or emergency basis. Call-back time consists of actual time spent when called back to work to handle a scheduled or emergency situation. An employee is required by FLSA to be paid for on-call time if he or she must remain near an established telephone or otherwise substantially restrict personal activities in order to be ready to respond when called. The County chooses to compensate employees at a rate less than regular pay for the inconvenience of on-call pay when a pager is used and time is not substantially restricted.
- 2) On-call standby schedules must be approved by the Department Head, but are limited to funds available budgeted for this purpose. The Human Resources Office shall maintain a list of employees who are approved for on-call compensation arrangements.
- 3) Non-exempt employees will be guaranteed a minimum payment of two hours of wages for being called back to work outside of normal working hours when not on stand-by. "Call-back" provisions do not apply to previously scheduled overtime work (scheduled one or more days in advance).
- 4) Non-exempt employees required to be on "stand-by" duty will be paid for five *hours* of work for each week (approximately 128 hours, excluding work time) of stand-by time they serve. Stand-by compensation for less than one full week shall be determined by the ratio of .04 hours of pay per one hour of stand-by time. Hours actually worked while on stand-by are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week.

### **Section 14. Payroll Schedule and Deductions**

Deductions shall be made from each employee's salary, as required by law. Additional deductions may be made upon the request of the employee on determination by the County Manager as to capability of payroll equipment and appropriateness of the deduction.

### **Section 15. Hourly Rate of Pay for full-time, part- time and Temporary Employees and for Work Weeks with Varying Hours**

Employees working in a part-time or temporary capacity with the same duties as full-time employees will work at a rate in the same salary range as the full-time employees. The hourly rate for employees working other than 40 hours per week, such as employees working 37.5 hours per week and law enforcement officers working an average 42 hours per week, will be determined by dividing the average number of hours scheduled per year into the annual salary established for the position.

## **Section 16. Travel Expenses.**

All County employees shall be reimbursed for actual travel expenses while on county business at the following rates. Employees must submit a completed expense voucher accompanied by actual receipts before receiving reimbursement for travel expenses.

1. **Subsistence Allowance** – Receipts for meals must accompany all expense vouchers for reimbursement. Tips shall be reimbursed at actual cost. (Amended 11/17/03)
2. **Mileage Allowance** – The actual amount allowed by the Internal Revenue Service. The effective date of any increase will be as soon as practical after notification is received from the Internal Revenue Service.
3. **Motel** – Actual reasonable expenses as approved by the department head. Receipts for motel expenses must accompany expense vouchers.
4. **Registration Fees** – Actual registration fees as documented by proper receipts.
5. **Parking Fees** – Actual parking fees as documented by proper receipts.
6. **Air Travel** – Actual air travel expenses as approved in advance by the department head.

## **Section 17. Salary Increases Due to Completion of Required Certifications**

Employees may be required to obtain or maintain licenses, certifications or registrations as required by law, rule regulation, occupation boards or the duties of their position. Upon successful completion of these certifications, all utility workers and building inspectors will be awarded a 2% increase in salary (limited to one increase per fiscal year). This will be effective the first month after completion upon formal written documentation being submitted to the Personnel Officer and approval by the County Manager. Employees who fail to obtain or maintain any license, certification or registration required by law, rules, or provision as required by the duties of the position may result in disciplinary action up to and including termination. (Approved May 3, 2004, Revised February 15, 2010).

## **Section 18. Cost of Living Raises**

Employees who have not completed their probationary period are not eligible for Cost of Living increases (COLA) effective July 1, 2006.

## **ARTICLE V. RECRUITMENT AND EMPLOYMENT**

### **Section 1. Equal Employment Opportunity Policy**

It is the policy of the County to foster, maintain and promote equal employment opportunity. The County shall select employees on the basis of the applicant's qualifications for the job and award them, with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to race, color, religion, sex, national origin, political affiliation, qualified disability, marital status, or age. Applicants with disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of duties.

### **Section 2. Implementation of Equal Employment Opportunity Policy**

All personnel responsible for recruitment and employment will continue to review regularly the implementation of this policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related job requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of race, color, religion, sex, national origin, political affiliation, qualified disability, marital status, or age. Notices with regard to equal employment matters shall be posted in conspicuous places on County premises in places where notices are customarily posted.

### **Section 3. Recruitment, Selection and Appointment**

**Recruitment Sources.** When position vacancies occur, the Human Resources Director shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices will be published in local and/or other media as necessary to inform the community and create a quality and diverse pool of applicants. In addition, notice of vacancies shall be posted at designated conspicuous sites within departments. Individuals shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that well-qualified applicants are obtained for County service. The North Carolina Employment Security Commission shall normally be used as a recruitment source. In rare situations because of emergency conditions, high turnover, etc., the County may hire or promote without advertising jobs, upon approval of the County Manager.

**Job Advertisements.** Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

**Application for Employment.** All persons expressing interest in employment with the County shall be given the opportunity to file an application for employment for positions which are currently being recruited.

**Applicant Interest Card.** Persons interested in employment with the County may complete an applicant interest card concerning all of the positions for which they wish to apply. These cards will be maintained for a period of six months. When a vacancy occurs in positions of interest, the card will be sent, notifying the person and requesting that the person complete an application before the designated deadline.

**Application Reserve File.** Applications shall be kept in an inactive reserve file for a period of two years, in accordance with Equal Employment Opportunity Commission guidelines.

**Selection.** Department heads, with the assistance of the Human Resources Director, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position. All selection devices administered by the County shall be valid measures of job performance.

**Appointment.** Before any commitment is made to an applicant either internal or external, the Appointing Authority shall make recommendations to the Human Resources Director including the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Human Resources Director and Department Head shall recommend approval of appointments and the starting salary for all applicants to the Appointing Authority. All employment offers should be confirmed in writing. The Personnel Action Form, the original application for employment, a copy of the employment offer letter, and any additional supporting documents pertaining to the selected candidate should be submitted to the County Manager's office prior to the beginning date of employment. The documents will become part of the new employees personnel file.

#### **Section 4. Probationary Period**

A newly hired employee appointed or promoted to a regular position shall serve a probationary period. All newly hired employees shall serve a six-month probationary period, except that department of social services employees shall serve a nine-month probationary period, and except that sworn law enforcement personnel and department heads shall serve a twelve-month probationary period. Employees in trainee or "work against" appointments will have specific time frames established for their probationary period.

During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Before the end of the probationary period, the supervisor shall determine whether or not the employee is performing satisfactory work and meeting job expectations. The employee's progress (accomplishments, strengths, and areas for improvement) will be discussed with the employee and a summary of this discussion should be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of three additional months. Therefore, the maximum probationary period for law enforcement officers and department heads is fifteen months, department of social services employees is twelve months and for other County employees is nine months.

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this Policy. ~~A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed. Promoted employees shall retain all other rights and benefits such as the right to use of the grievance procedures.~~ (Section Approved June 4, 2012)

#### **Section 5. Promotion**

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. It is the County's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited of all applicants, that applicant shall be promoted to that position. The County will balance three goals in the employment process: 1) the benefits to employees and the organization of promotion from within; 2) providing equal employment opportunity and a diversified workforce to the community; and 3) obtaining the best possible employee who will provide the most productivity in that position. Candidates for promotion shall be chosen

on the basis of their qualifications and their work records. Candidates shall apply for promotions using the same application process as external candidates.

## **Section 6. Demotion**

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. Demotions may be voluntary or involuntary. An employee whose work or conduct in the current position is unsatisfactory may be involuntarily demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such demotion shall follow the disciplinary procedures outlined in this chapter. Demoted employees may appeal this decision based on the Grievance Process outlined in this Personnel Policy.

An employee may request a voluntary demotion when a vacant position is available. Employees may request voluntary demotions in order to accept a position with less complex duties and reduced responsibilities, to change career paths, or for other reasons. A voluntary demotion is not a disciplinary action and is made without using the above-reference disciplinary procedures.

## **Section 7. Transfer**

Transfer is the movement of an employee from one position to a position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The Department Head wishing to transfer an employee to a different department or classification shall make a recommendation to the County Manager. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this policy.

## **ARTICLE VI. CONDITIONS OF EMPLOYMENT**

### **Section 1. Work Schedule**

Department heads shall establish work schedules, with the approval of the County Manager, which meet the operational needs of the department in the most cost effective manner possible.

The Sheriff and Register of Deeds shall be exempt from the provisions of this Section, except that they may not work any employee more than allowed under the terms and conditions of the salaries and benefits provided for under the County budget ordinance.

### **Section 2. Political Activity**

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States. However, no employee shall:

- a) Engage in any political or partisan activity while on duty;
- b) Use official authority of influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- c) Be required as a duty of employment or as condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
- d) Coerce or compel contributions from another employee of the County for political or partisan purposes;
- e) Use any supplies or equipment of the County for political or partisan purposes; or
- f) Be a candidate for nomination or election to the office of Camden County Commissioner.

Any violation of this section shall be deemed improper conduct and shall subject the employee to disciplinary action under this policy.

### **Section 3. Expectation of Ethical Conduct**

The proper operation of County government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

As stewards of public resources and holders of the public trust, County employees are expected to uphold the highest standards of ethical conduct while fulfilling their job duties and responsibilities.

## **Section 4. Outside Employment**

The work of the County shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commission and all self-employment must be reported in advance to the employee's supervisor, who in turn will report it to the County Manager. The County Manager will review such employment for possible conflict of interest and then approve or disapprove the secondary employment. Documentation of the approval of outside employment will be placed in the employee's personnel file.

Examples of conflicts of interest in outside employment include but are not limited to:

- a) employment with organizations or in capacities that are regulated by the employee or employee's department; or
- b) employment with organizations or in capacities that negatively impact the employee's perceived integrity, neutrality, or reputation related to performance of the employee's County duties.

## **Section 5. Dual Employment**

A full or part-time employee of the County may simultaneously hold another position with the County if the temporary position is in a different department or agency and substantially different capacity and occupational area from that of the full or part-time position. The work must also be performed on an occasional or sporadic basis. Any other situation requires weighted average pay scales and/or overtime pay. However, the work of the full or part-time position shall take precedence over the temporary position, and such work will not count toward the calculation of overtime for pay or time off.

## **Section 6. Employment of Relatives**

The County prohibits the hiring and employment of immediate family in permanent positions within the same work unit. "Immediate Family" is defined in Article VIII, Section 12. The County also prohibits the employment of any person into a permanent position who is an immediate family member of individuals holding the following positions: County Board of Commissioners Member, County Manager, Assistant County Manager, Human Resources Director, Clerk to the Board, Finance Officer, or County Attorney. Otherwise, the County will consider employing family members or related persons in the service of the County, provided that such employment does not:

- 1) result in a relative supervising relatives;
- 2) result in a relative auditing the work of a relative;
- 3) create a conflict of interest with either relative and the County; or
- 4) create the potential or perception of favoritism.

This clause shall not be retroactive concerning any relative currently working for the County or anyone who has filed for election at the time of adoption.

Pursuant to G.S. 153A-103, the Board of Commissioners may approve for employment by the Sheriff or Register of Deeds a relative by (a) blood, (b) marriage, (c) nearer kinship than first cousin, or a person who has been convicted of a crime involving moral turpitude if the Commissioners make a written finding of fact



that such employment was requested by the Sheriff or Register of Deeds and the reasons set forth by the Sheriff or Register of Deeds that he/she feels that employing this person would be in the best interests of the County and should not follow the hiring policies set forth in this Policy.

## **Section 7. Harassment**

Harassment on the basis of race, color, religion, gender, national origin, age or disability constitutes discrimination. The County opposes harassment by supervisors and co-workers in any form. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, national origin, age, or disability, or that of his or her relatives, friends, or associates.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Any employee who believes that he or she may have a complaint of harassment may follow the Grievance Procedure described in this Policy or may file the complaint directly with the County Manager, Human Resources Director, or any department head who will advise the Human Resources Director of the complaint. The Human Resources Director will insure that an investigation is conducted into any allegation of harassment and advise the employee and appropriate management officials of the outcome of the investigation.

Employees witnessing harassment shall also report such conduct to an appropriate County official.

## **Section 8. Use of County Time, Equipment, Supplies, and Vehicles**

County supplies and equipment are to be used exclusively for the County's business. During working hours, an employee shall only conduct County business. Use of County time, supplies, or equipment for personal or other purposes not related to the employee's County duties and responsibilities is prohibited and subjects the employee to disciplinary action, up to and including dismissal.

County Vehicles may be used for any authorized travel. The requesting party must obey all laws of the jurisdiction in which the vehicle is being operated. The vehicle will be used in conducting County business only. If use outside County boundaries is authorized by the County Manager (i.e. County training, Conferences, etc.) a de minimis amount of personal use, such as driving the vehicle to and from dinner, may be allowed. Non-County employees may accompany County employees if they have a business interest in the travel. Spouses and children of County employees may accompany them in County vehicles as approved by the County Manager if space is available and the trip is strictly for official County business.

A requesting party may use his/her personal vehicle for travel within a 50 miles radius of the County facilities and be reimbursed only if one of the following conditions is met:

1. No County vehicle is available.
2. The requesting party needs a specially equipped vehicle.

A requesting party may use his/her personal vehicle for long distance travel and be reimbursed as long as approved by the County Manager.

All employees, who use County vehicles, are required to follow applicable motor vehicle and safety requirements. Violation or misuse of County vehicles also subjects the employee to disciplinary action, up to and including dismissal.

### **Section 9. Acceptance of Gifts and Favors**

No official or employee of the County shall accept any gift, favor, or thing of value that may tend to influence such employee in the discharge of the employee's duties, or grant in the discharge of duty an improper favor, service, or thing of value.

### **Section 10. Safety**

Safety is the responsibility of both the County and employees. It is the policy of the County to establish a safe work environment for employees. The County shall establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods. Department Heads and supervisors are responsible for insuring the safe work procedures of all employees and providing necessary safety training programs. Employees shall follow the safety policies and procedures and attend safety training programs. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

Additional detailed procedures regarding safety, worker's compensation, injury, and infection control may be established by the County Manager.

### **Section 11. Immigration Law Requirements**

All employees are required to furnish proof of citizenship or other required documents indicating a legal right to work in the United States. Copies of the completed I-9 form shall be a permanent part of their personnel file.

### **Section 12. Substance Abuse**

The County is firmly committed to maintaining a drug and alcohol free work environment in order to insure the safety and welfare of the general public and all County employees and to insure an efficient and effective work force. The County also seeks to aid employees experiencing substance abuse problems by offering rehabilitation opportunities. The County Manager has the authority to establish, administer, and enforce substance abuse processes and procedures within the County.

### **Section 13. Use of Technology Resources**

Technology resources belonging to the County including, but not limited to pagers, radios, towers, Internet service, all computer equipment and software, email, and any network resources are owned by the County and are in place to enable the County to provide services in a timely and efficient manner. This is the primary function of these resources and any activity that interferes or is contrary to this purpose is prohibited. Any violation of the Technology Resource Policy as approved by the County Manager represents grounds for dismissal.

## **Section 14. Use of Tobacco Products**

Except as otherwise provided by law, no employee may smoke or otherwise use tobacco products in any county owned, leased, rented, occupied, or otherwise controlled building, facility, property, equipment or vehicle. The County Manager shall designate suitable areas outside of county buildings for smoking or use of tobacco products. Violation of this policy represents grounds for dismissal. Enacted March 1993.

## **Section 15. Dress Code**

Employees of Camden County create an image to the community, visitors and citizens and are expected to come to work well groomed and dressed in the professional manner appropriate to the activities of their position.

Employees required to wear a uniform must be in complete uniform at all times while on duty as directed by the Department head. The Department head shall outline the condition of the uniform expected of the employees within that department, but uniforms should, at a minimum, be clean, pressed and not bearing holes, tears, or significant fraying or discoloration.

The wearing of shorts, t-shirts, and tank tops is prohibited. Employees whose job duties include frequent outside activity may wear shorts if approved by the Department head. Shorts must be no shorter than two inches above the knee and must be hemmed. Work jeans and bareback dresses are not appropriate for employees regularly assigned to work in County office buildings or facilities. Wearing any article of clothing or any accessory item that was received by gift or reduced cost from a firm that advertises any commercial activity is prohibited. Extreme forms of dress or grooming are prohibited.

Beards, sideburns and moustaches should be neatly trimmed and not excessively long. The Department head may adopt regulations that prohibit any long head, or facial hair constituting a safety or occupational hazard.

If, in the opinion of the Department or supervisor, the employee's appearance or personal hygiene is in violation of this Section, the Department head may require the employee to alter his/her appearance to come into compliance with this Section and the Department head may provide that any time away from the job to come into compliance with this Section shall be taken as vacation leave.

## **Section 16. Driver's License**

Any employee performing work that requires the operation of a County vehicle must hold a valid driver's license as a condition of continued employment with the County. In those cases where an employee's driver's license is expired, suspended or revoked, the employee shall immediately notify his/her Department head of such expiration, suspension or revocation. If an employee fails to immediately notify his/her Department head, then the employee is subject to disciplinary action.

Any judicial or administrative proceeding that results in a revocation, suspension or limitation of an employee's driver's license shall be cause for immediate termination, provided that the County Manager may consider and approve a demotion or transfer to another position within the County that does not require the operation of a motor vehicle in conducting County business. However, the County manager is not required to make such a demotion or transfer and shall retain the authority to terminate the employee or take any lesser disciplinary action. Operation of a motor vehicle that results in a judicial or administrative proceeding involving the revocation, suspension or limitation of an employee's driver's license shall immediately terminate that employee's right to operate a motor vehicle in the conduct of County business.

## **ARTICLE VII. EMPLOYEE BENEFITS**

### **Section 1. Eligibility**

All part-time and full-time employees of the County are eligible for employee benefits as provided for in this Article which are subject to change at the County's discretion. Temporary employees are eligible only for workers' compensation and social security.

### **Section 2. Group Health and Hospitalization Insurance**

The County provides group health and hospitalization insurance programs for full-time and ~~part-time~~ employees.

Employees who are scheduled to work 40 hours or more per week on a continuous year-round basis may, if they so desire, purchase available group health and hospitalization insurance through the County for themselves or for themselves and qualified dependents. Subject to funds available, the County shall pay the employee share of group health and hospitalization insurance for full-time employees. ~~and shall pay a prorated share of the employee share of group health and hospitalization insurance for part-time employees scheduled to work twenty (20) or more hours per week on a continuous year round basis.~~ Information concerning cost and benefits shall be available to all employees from the Human Resources Office.

Employees who were hired prior to January 7, 2013 and retire with twenty or more years of service with Camden County may receive paid health insurance from the County until age 65. When the employee begins coverage under Medicare or reaches the age of 65, County-provided health and hospitalization insurance shall cease.

Upon Retirement, Employees who are hired on or after January 8, 2013 will receive no health or dental insurance paid by the County, but will be eligible to receive COBRA.

### **Section 3. Group Life Insurance**

The County provides paid life insurance to its employees. Information on costs, coverage, and benefits are available from the Human Resources Director.

### **Section 4. Other Optional Group Insurance Plans**

The County may make other group insurance plans available to employees upon authorization of the County Manager or County Commissioners.

### **Section 5. Retirement**

Each employee who is expected to work for the County more than 1,000 hours annually shall join the North Carolina Local Governmental Employees' Retirement System when eligible as a condition of employment.

Employees contribute, through payroll deduction, six per cent of their gross salary to the system. The County contributes an actuarially determined percentage of the gross payroll each month to the system.

Provisions of this system are further outlined in the North Carolina Local Government Employees' Retirement System handbook available from the Human Resource Office.

## **Section 6. Supplemental Retirement Benefits**

The County allows employees to defer a portion of their income before taxes into a 401-K tax deferment plan.

The County provides contributions of 5% to a 401-K plan for certified law enforcement personnel as required by the state, and an amount to be determined by the County Commissioners to other full and part-time employees.

The County also pays a monthly separation allowance to retired law enforcement officers as required by General Statutes.

## **Section 7. Social Security**

The County, to the extent of its lawful authority and power, has extended Social Security benefits for its eligible employees and eligible groups and classes of such employees.

## **Section 8. Workers' Compensation**

All employees of the County (full-time, part-time, and temporary) are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee and the supervisor and such claims must be filed by the employee with the North Carolina Industrial Commission within two years from date of injury. The Human Resources Director or designee will coordinate the filing of such claims.

## **Section 9. Unemployment Compensation**

County employees are covered by unemployment insurance. County employees who are terminated due to a reduction in force or released from County service may apply for benefits through the local Employment Security Commission office, where a determination of eligibility will be made.

## **Section 10. Tuition Assistance Program**

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time, which will improve their skills for their current job or prepare them for promotional opportunities within the County service. Tuition, registration, fees, laboratory fees, and student fees are eligible expenses. Employees may be reimbursed eligible expenses up to a total of five hundred dollars (\$500) per fiscal year subject to availability of funds budgeted for this purpose in the current fiscal year. Satisfactory completion of the courses will be required for reimbursement. Requests for tuition assistance shall be submitted to the Human Resources Office prior to course registration and are subject to the review and approval of Department Head and County Manager, subject to availability of funds.

## **Section 11. Credit Union**

Membership in the Local Government Employees' Credit Union is open to all County employees for various loan services, checking, and savings accounts. Membership in the State Employees' Credit Union is open to all employees under the State Personnel Act and their family members for various loan services, checking, and savings accounts.

## **ARTICLE VIII. HOLIDAYS AND LEAVES OF ABSENCE**

### **Section 1. Policy**

The policy of the County is to provide vacation leave, sick leave, and holiday leave to all full-time and part-time employees in a regular position with County.

Leave balances should accrue with each payroll at a pro-rated amount when employees work or are on a paid leave status. Leave balances should be printed on payroll checks or provided to employees with each paycheck, including net accrued sick leave, vacation, holiday leave, and compensatory leave.

### **Section 2. Holidays**

The policy of the County is to follow the holiday schedule as published by the State of North Carolina each year. The schedule for the calendar year will be published by December 1 of the previous calendar year for distribution to County employees.

An employee must work, use vacation, sick or compensatory leave the day before and the day after in order to receive holiday pay with the exception of law enforcement. (Revised February 5, 2007)

The number of holiday hours earned by employees shall be determined in accordance with the formula set forth in Section 15 of this article but not to exceed 8 hours of holiday pay for employees and 8.4 hours for law enforcement officers. (Revised 8/3/09)

Departments which have staff working during holidays may designate which days of the week are to be observed using the actual legal holidays when appropriate.

### **Section 3. Holidays: Effect on Other Types of Leave**

Regular holidays which occur during a vacation, sick or other leave period of any employee shall not be considered as vacation, sick, or other leave.

### **Section 4. Holidays: Compensation When Work is Required**

Essential regular full time public works employees required to perform work on regularly scheduled holidays will be paid eight (8) hours of holiday pay on top of their base pay for hours actually worked on a holiday and essential regular full time law enforcement officers will be paid eight point four (8.4) hours of holiday pay on top of their base pay. (Revised 8/3/09)

### **Section 5. Vacation Leave**

Vacation leave may be used for rest and relaxation, school appointments, medical appointments, and other personal needs. Any compensatory time earned by nonexempt employees must be used prior to using vacation time.

### **Section 6. Vacation Leave: Use by Probationary Employees**

Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the probationary period. Employees shall be allowed to take accumulated vacation leave after six months of service.

## Section 7. Vacation Leave: Accrual Rate

Each full and part-time employee of the County shall earn vacation at the following schedule, prorated by the regular number of hours in the workweek: (Approved 7/1/04)

Years of Service	Hours Granted Each Month	Hours Granted	Days Granted Each Year	Each Year
Less than 2 years	7 hrs. 50 min.	94	11 3/4	
2 but less than 5 years	9 hrs. 10 min.	110	13 3/4	
5 but less than 10 years	11 hrs. 10 min.	134	16 3/4	
10 but less than 15 years	13 hrs. 10 min.	158	19 3/4	
15 but less than 20 years	15 hrs. 10 min.	182	22 3/4	
20 years or more	17 hrs. 10 min.	206	25 3/4	

## Section 8. Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until December 31 of each year. Effective the last payroll in the calendar year, any employee with more than 30 days (240 hours) of accumulated leave shall have the excess accumulation removed so that only 30 days (240 hours) are carried forward to January 1 of the next calendar year. ~~One half of~~ Any excess vacation leave as of December 31 may be transferred to an employee's sick leave account. ~~Employees with ten or more years of service to the County may have the entire excess amount converted to sick leave provided that the employee has taken a minimum of five days 40 hours of vacation during the calendar year.~~ Amended 7/1/04, Revised February 5, 2007

Because the number of hours in employee work weeks vary, the number of hours in 30 days varies. See Section 15 of this Article for formula to calculate the number of hours in 30 days.

Employees are cautioned not to retain excess accumulated vacation leave until late in the year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation.

New employees may be credited up to five days of earned vacation leave upon date of hire if the immediate previous employer is a city or county and if the immediate previous employer provides written verification to the county manager that the employee an equal number or more days of vacation leave remaining on the date of termination.

## Section 9. Vacation Leave: Manner of Taking

~~Employees shall be granted the use of earned vacation leave upon request in advance at those times designated by the Department Head which will least obstruct normal operations of the County. Earned vacation leave may be taken when requested 24 hours in advance at those times designated by the Department Head which will least obstruct normal operations of the County. Under Emergency Circumstances a Department Head at his/her discretion may authorize leave requests without 24 hour notice. Department heads are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation leave will be taken in quarter two~~  
quarter hour units. (Revised 2/5/07, Effective 7/1/07 Revision March 2012)

## **Section 10. Vacation Leave: Payment upon Separation**

An employee who has successfully completed six months of the probationary period will normally be paid for accumulated annual leave upon separation subject to the 30-day maximum, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation. Any employee failing to give the notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the County Manager when deemed to be in the best interest of the County.

Employees who are involuntarily separated shall receive payment for accumulated annual leave subject to the 30-day maximum.

## **Section 11. Vacation Leave: Payment upon Death**

The estate of an employee who dies while employed by the County shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed the maximums established in Section 8 of this Article.

## **Section 12. Sick Leave**

Sick leave with pay is not a right which an employee may demand, but a privilege granted for the benefit of an employee when sick.

Sick leave may be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others.

Sick leave may be used when an employee must care for a member of his or her immediate family who is ill, but may not be used to care for healthy children when the regular care giver is sick.

Sick leave may also be used for death in the employee's immediate family, but may not exceed three days for any one occurrence, except by special permission of the Department or County Manager.

Sick leave may also be used to supplement Workers' Compensation Disability Leave both during the waiting period before Workers' Compensation benefits begin, and ~~afterward to supplement the remaining salary, except that employees may not exceed their regular salary amount using this provision.~~ (Revised May 7, 2007)

"Immediate family" shall be defined as spouse, parent, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave or not later than two hours after the beginning of the scheduled workday. Failure to do so appropriately may result in disciplinary action.

In order to facilitate the recruitment of qualified persons with appropriate public sector experience, the County Manager may authorize the carry-over of all or a portion of the unused sick leave that has been certified as accumulated during employment with a past state or local government employer.



### **Section 13. Sick Leave: Accrual Rate and Accumulation**

Sick leave shall accrue at a rate of one day per month of service or twelve days per year. Sick leave for full-time and part-time employees working other than the basic work schedule shall be prorated as described in this Article. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the County, except as stated for employees retiring or terminated due to reduction in force.

### **Section 14. Sick Leave: Medical Certification**

The employee's supervisor or Department Head may require a physician's certificate stating the nature of the employee or immediate family member's illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a "pattern of absenteeism." The employee may be required to submit to such medical examination or inquiry as the Department Head deems desirable. The Department Head shall be responsible for the application of this provision to the end that:

- 1) Employees shall not be on duty when they might endanger their health or the health of other employees; and
- 2) There will be no abuse of leave privileges.

When an employee goes on sick leave he/she must notify his/her Department Head or supervisor immediately. Notification should be within 30 minutes after the beginning of the scheduled work day. Failure to do so may result in denial of such leave pay. The employee should also let the supervisor know when he/she expects to return to work.

An employee who is on sick leave for a period of three days or longer shall be required to provide a note from a medical doctor.

Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action.

### **Section 15. Leave Pro-Rated**

Holiday, annual, and sick leave earned by full-time and part-time employees with fewer or more hours than the basic work week shall be determined by the following formula:

- 1) The number of hours worked by such employees shall be divided by the number of hours in the basic work week (usually 40 hours).
- 2) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic work week.
- 3) The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned.

## **Section 16. Leave Without Pay**

A full or part-time employee may be granted a leave of absence without pay for a period of up to six months by the County Manager. The leave shall be used for reasons of personal disability after both sick leave and desired amount of annual leave have been exhausted, sickness or disability of immediate family members, continuation of education, special work that will permit the County to benefit by the experience gained or the work performed, or for other reasons deemed justified by the County Manager.

The employee shall apply in writing to the Department Head for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the County Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay. If the employee decides not to return to work, the Department Head shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation.

## **Section 17. Family Medical Leave**

The County will grant up to 12 weeks of family and medical leave during any 12-month period beginning on the date leave is first used to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). Eligible employees must have regular status and must have been employed at least twelve months and worked at least 1,250 hours during the previous twelve months. The leave may be paid (coordinated with the County's Vacation and Sick Leave policies), unpaid, or a combination of paid and unpaid. Additional time away from the job beyond the 12-week period may be approved in accordance with the County's Leave Without Pay policy. Employees may be required to exhaust eligible paid leave before going on a leave without pay status.

FMLA leave may be taken for the following reasons:

- (1) to care for the employee's child after birth or placement for adoption or foster care;
- (2) to care for the employee's spouse, child or parent who has a serious health condition; or
- (3) for a serious health condition that makes the employee unable to perform the employee's job.

A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. This policy covers illness of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long term health condition which results in a period of incapacity for more than three days would be considered a serious health condition.

If a husband and wife both work for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (not parent in-law) with a serious health condition, the husband and wife together may only take a total of 12 weeks leave under FMLA.

An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. The employee may then use paid vacation for the remainder of the 12-week period.

The request for the use of leave must be made in writing by the employee and approved by the department head or County Manager. The County may also designate qualified leave as FMLA Leave by notifying the employee of such action.

An employee who takes leave under this policy will return to the same job or a job with equivalent status, pay,

benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.

In order to qualify for leave under this law, the County requires medical certification. This statement from the employee's or the family member's physician should include the date when the condition began, its expected duration, diagnosis, and brief statement of treatment. For the employee's own health condition, it should state that the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence would be beneficial or desirable.

This certification should be furnished at least 30 days prior to the needed leave unless the employee's or family member's condition is a sudden one. The certification should be furnished as soon as possible (no longer than 15 days from the date of the employee's request). The certification and request must be made to the department head and filed with the Human Resources Director.

The employee is expected to return to work at the end of the time frame stated in the medical certification, unless he/she has requested additional time in writing under the County's Leave Without Pay policy

#### **Section 18. Family Medical Leave and Leave Without Pay: Retention and Continuation of Benefits**

When an employee is on leave under FMLA, the County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If an employee chooses not to return to work for reasons other than a continued serious health condition, the County will require the reimbursement of the amount paid for the employee's health insurance premiums during the FMLA leave period.

Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.

An employee shall retain all unused vacation and sick leave while on Leave Without Pay. An employee ceases to earn leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the County's Group insurance plans at his or her own expense, subject to any regulation adopted by the County Commissioners and the regulations of the insurance carrier.

#### **Section 19. Workers' Compensation Leave**

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave or vacation during the first waiting period. ~~The employee may also elect to supplement workers' compensation payments after they begin provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation. An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the County's group insurance plans.~~ If the injury results in additional time away from work, the employee will be placed on worker's compensation leave and receive the worker's compensation weekly after the required waiting period. The employee may elect to take sick or vacation during the required waiting period, or may elect to go on worker's compensation leave with no pay for the required waiting period. Once an employee begins drawing worker's compensation pay, the employee will not be allowed to receive pay for vacation or sick leave in addition to worker's compensation payments. Life insurance and health benefits already provided by Camden County to an employee will continue to be provided during the period of worker's compensation leave. Upon reinstatement, an employee's salary will be computed on the basis of the last salary earned plus any increment or other salary increase to which the employee would have been entitled during the disability covered by worker's compensation. (Revised February 5, 2007)

## Section 20. Military Leave

Regular employees who are members of an Armed Forces Reserve organization or National Guard shall be granted ten workdays per year for military leave without pay. On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For this purpose only, an employee shall be granted an additional ten days of military leave during the same calendar year. If the compensation received while on military leave is less than the salary that would have been earned during this same period as a County employee, the employee shall receive partial compensation equal to the difference in the base salary earned during this same period as a County employee. The effect will be to maintain the employee's salary at the normal level during this period. If such duty is required beyond these ten workdays, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply. While taking military leave without pay or with partial pay, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the County during this period. Employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act, including members of the National Guard or a reserve unit. Employees who volunteer for additional duty may use vacation, compensatory time or leave without pay. If there is a compensatory balance, it should be used first for nonexempt employees.

## Section 21. Reinstatement Following Military Service.

An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated with full benefits provided the employee:

- 1) Applies for reinstatement within ninety days after the release from military service; and
- 2) Is able to perform the duties of the former position or similar position; or
- 3) Is unable to perform the duties of the former position or a similar position due to disability sustained as a result of military service, but is able to perform the duties of another position in the service of the County. In this case the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available.

## Section 22. Civil Leave

- (A) A County employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the County any witness fees awarded by that court for court appearances in connection with official duties. Employees must turn over to the County any travel allowance awarded by that court for court appearances when traveling in a county vehicle or transportation wholly or partially provided at county expense. While on civil leave, benefits and leave shall accrue as though on regular duty.
- (B) With the discretionary approval of their respective Department Head or direct supervisor, volunteers involved in fire or rescue organizations may be allowed to take appropriate time to respond to emergency calls, but shall return to work as quickly as possible. Use of County vehicles is prohibited in responding to such calls unless circumstances surrounding the response would make it reasonable to do so. All Volunteer Fire/Rescue Civil Leave responses should be thoroughly documented on a Camden County Civil Leave Form. One copy should be submitted to the individual's Department Head and one copy should be submitted to the Safety Committee within 24 hours of the Civil Leave." (*Effective January 3, 2012*)

(C) All instances of Civil Leave as defined in Subsections A and B should be accurately annotated as such on individual time sheets. *(Effective January 3, 2012)*

### **Section 23. Parental School Leave**

A County employee who is a parent, guardian, or person standing in loco parentis (in place of the parent) may take up to four hours of unpaid leave annually to involve him or herself in school activities of his or her child(ren). This leave is subject to the three following conditions:

- 1) The leave must be taken at a time mutually agreed upon by the employee and the County;
- 2) The County may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
- 3) The County may require written verification from the child's school that the employee was involved at the school during the leave time.

Paid leave (vacation time) taken by an employee to attend to school activities of his or her child shall count toward the fulfillment of this provision by the County.

### **Section 24. Adverse Weather Conditions**

County offices and departments shall remain open for the full scheduled work day unless authorization for early closing or other deviation is received from the County Manager or his designate. Employees scheduled to work during an authorized official closing will be given full credit for all their work hours scheduled but missed during the period covered by the authorized official closing or other deviation. Employees who leave work before an official early closing time, as well as those employees who report to work late or who do not report to work at all, will be required to use earned vacation for this unauthorized missed time. Also, any employee who has leave time approved prior to the issuance of an authorized early closing or other deviation will be required to honor the approved leave time.

The County Manager or his designate may authorize the closing or deviation for all or part of the County offices. Any closing or deviation shall be applicable uniformly to all County offices unless otherwise specified in the announcement from the County Manager or his designate. The County Manager or his designate may authorize closings or deviations different for one office or department than for other offices or departments. Depending on the nature of the adverse weather, the County Manager may designate certain County employee's essential and request that they report to work as directed. Those employees will be issued compensatory time at a rate of hour for hour. Modified work schedules do not apply to public safety employees, i.e. Sheriff's Department.

### **Section 25 – Shared Leave (Approved 7/1/04)**

#### **Voluntary Shared Leave**

##### **A. PURPOSE**

There are occurrences brought about by serious and prolonged medical conditions that cause employees to exhaust all available leave, and therefore, be placed on leave without pay. Such employees forced to go on leave without pay could be without income during one of the most critical points in their lives. It is recognized that fellow employees may wish to voluntarily donate some of their accumulated vacation leave so as to provide assistance to other Camden County employees. This program intends to provide an opportunity for employees to assist another affected by a medical condition that requires absence from work for a prolonged period of time resulting in possible loss of income due to lack of accumulated leave.

## B. POLICY

In cases of prolonged medical condition, an employee may apply or be nominated to become a recipient of leave transferred from the vacation leave accounts of unrelated employees working for Camden County or from the sick or vacation account of an immediate family member who works for Camden County. For purposes of this program, medical condition means the medical condition of an employee or their spouse, parents, children or other dependents, including step and in-law relationships, that is likely to require an employee's absence from duty for a prolonged period, generally considered to be at least twenty (20) consecutive workdays. If an employee has had previous random absences for the same condition that has caused excessive absences, or if the employee has had a previous, but different, prolonged medical condition within the last twelve months, the County may make an exception to the 20-day period.

## C. GENERAL GUIDELINES

1. Establishment of a leave "bank" for use by unnamed employees is expressly prohibited. Leave must be donated on a one-to-one personal basis.
2. This Policy does not apply to employees on worker's compensation leave.
3. Individual leave records are confidential and only individual employees may reveal their donation or receipt of leave. The employee donating leave must sign a release form and cannot receive remuneration for leave donated. All donations must be done on a voluntary basis. Solicitation on the part of Department Heads or supervisors is prohibited. No employee shall directly or indirectly intimidate, threaten or coerce any other employee for the purpose of interfering with any right an employee may have in donating, receiving or using annual leave under this program. Such action by any employee will result in disciplinary action up to and including dismissal on the basis of personal conduct.
4. The Privacy Act makes medical information confidential; therefore, prior to making the employee's status public for the purpose of receiving shared leave, the employee must sign a release to allow the status to be known.
5. A committee composed of the Personnel Technician, the Department Head of the recipient employee, and one other randomly selected Department Head will make the final decision concerning eligibility to participate in the program. Participation in this program shall be based on the applicant's and donor's past compliance with leave rules.

## D. ELIGIBILITY & APPLICATION

1. Applicant must be a regular, full or part-time employee who has completed his/her applicable introductory period.
2. At the time of the request, applicant must have exhausted all sick, annual and compensatory leave; all leave balances must be zero.
3. Application should include name, social security number, department name, position title and a doctor's statement describing the medical condition and estimated length of time needed to participate in the program.
4. Applicant shall apply to the Department Head who shall forward the application to the Personnel Technician. After randomly selecting a third member for the review committee, the three-member committee will meet to review the merits of the request as well as the employee's past leave history and will make a decision concerning the applicant's eligibility to participate in the program. An employee may not file a grievance nor an employee appeal if his/her request to receive or to donate leave is denied.

#### E. RECIPIENT GUIDELINES

1. Participation in this program is limited to 1,040 hours (prorated if part-time), either continuously or, if for the same condition, on a recurring basis. The County Manager may, however, grant employee continuation in the program, month by month, for a maximum of 2,080 hours if the employee would otherwise have been granted leave without pay.
2. Subject to the maximum of 1,040 hours, the number of hours leave an employee can receive is limited to the projected recovery or treatment period. All donated leave will be credited to the recipient's sick leave account.
3. At the expiration of the medical condition any unused leave in the recipient's donated leave account shall be treated as follows:
  - a. The recipient's sick leave account balance shall be limited to a total of forty (40) hours.
  - b. Any additional unused donated leave will be returned to the donor(s) on a pro rata basis and credited to the leave account from which it was donated.
4. If a recipient separates due to resignation, death or retirement from Camden County, his/her participation in the program will end. Donated leave shall be returned to the donor(s) on a pro rata basis.

#### F. DONOR GUIDELINES

1. A non-family member donor may contribute only vacation leave to another employee.
2. A family member who is a County employee may contribute vacation or sick leave to another immediate family member who is a County employee. Immediate family is defined as spouse, parents, children, brother, sister, grandparents and grandchildren, great grandparents and great grandchildren. Also included are the step, half and in-law relationships.
3. The minimum amount to be donated is four (4) hours.
4. An employee family member donating sick leave to a qualified family under this program may donate up to a maximum of 1,040 hours but may not reduce their own sick leave balance below forty (40) hours.
5. The maximum amount of vacation leave allowed to be donated by one individual can be no more than the amount he/she could earn in one year; however, the amount donated may not reduce the donor's vacation leave balance below one-half of the amount he/she could earn in one year.
6. All donations must be in writing and must be signed by the donating employee. The employee receiving the leave must be named and the amount and type of leave donated must be specified.
7. Once a donation is made it cannot be retracted by the donor.

## **ARTICLE IX. SEPARATION AND REINSTATEMENT**

### **Section 1. Types of Separations**

All separations of employees from positions in the service of the County shall be designated as one of the following types and shall be accomplished in the manner indicated: Resignation, reduction in force, disability, voluntary retirement, dismissal, or death.

### **Section 2. Resignation**

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two weeks. Failure to provide minimum notice shall result in forfeit of payment for accumulated annual leave unless the notice is waived upon recommendation of the Department Head Human Resource Director and approval by the County Manager.

Three consecutive days of absence without contacting the immediate supervisor or Department Head is considered to be a voluntary resignation.

Sick leave will only be approved during the final two weeks of a notice with a physician's certification of comparable documentation.

### **Section 3. Reduction in Force.**

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance, organizational needs, and seniority in determining those employees to be retained. Employees who are separated because of a reduction in force shall be given at least two weeks notice of the anticipated action. No regular employee shall be separated while there are temporary, emergency or probationary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee.

### **Section 4. Disability**

An employee who cannot perform the required duties because of a physical or mental impairment may be separated for disability. Action may be initiated by the employee or the County. In all cases, such action must be accompanied by medical evidence acceptable to the Department Head Human Resource Director and County Manager. The County may require an examination, at the County's expense, performed by a physician of the County's choice.

### **Section 5. Voluntary Retirement**

An employee who meets the conditions set forth under the provision of the North Carolina Local Government Employee's Retirement System may elect to retire and receive all benefits earned under the retirement plan.

### **Section 6. Death**

Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.



## **Section 7. Dismissal**

An employee may be dismissed in accordance with the provisions and procedures of Article X.

## **Section 8. Reinstatement**

An employee who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the supervisor and approval of the Human Resource Director and the County Manager. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave.

## **Section 9. Rehiring**

An employee who resigns while in good standing may be rehired with the approval of the appointing authority, and shall be regarded as a new employee, subject to all of the provisions of rules and regulations of this Chapter. However, the employee shall be credited with his or her previously accrued sick leave if he or she is rehired within five years. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

## **ARTICLE X. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT**

### **Section 1. Disciplinary Action for Unsatisfactory Job Performance**

A regular employee may be placed on disciplinary suspension (without pay), demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. All cases of disciplinary suspension, demotion, or dismissal must be approved by the Human Resource Director and the County Manager or hiring authority prior to giving final notice to the employee.

### **Section 2. Unsatisfactory Job Performance Defined**

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the supervisor. Examples of unsatisfactory job performance include, but are not limited to, the following:

- 1) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- 2) Careless, negligent or improper use of County property or equipment;
- 3) Discourteous treatment of the public or other employees;
- 4) Absence without approved leave;
- 5) Repeated improper use of leave privileges;
- 6) Habitual pattern of failure to report for duty at the assigned time and place;
- 7) Failure to complete work within time frames established in work plan or work standards; or
- 8) Failure to meet work standards over a period of time.
- 9) Failure to maintain credentials and certifications required for a position.

### **Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance**

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor should meet with the employee as soon as possible to discuss specific performance problems. A brief summary of performance based issues should be noted in the employee's file with a written warning from the supervisor before disciplinary action resulting in dismissal is taken by the County Manager or appointing authority. A copy of all warnings should be sent to the Human Resources Office to be included in the employee's personnel file and the disciplinary warning issued will become part of the employee's personnel file and will remain active for twelve (12) months unless extended in writing or unless a second warning occurs during the twelve (12) month timeframe. In each case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be

unsatisfactory, then the supervisor should use the following disciplinary steps:

- 1) A final written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension, demotion, or dismissal.
- 2) If performance does not improve, a written recommendation should be sent to the Department Head, Human Resource Director, and County Manager or Hiring Authority for disciplinary action such as suspension, demotion, or dismissal.

Suspensions should not normally exceed three days for nonexempt employees. For exempt employees, suspensions should normally be for one week to retain the exempt status of the employee.

#### **Section 4. Disciplinary Action for Detrimental Personal Conduct**

With the approval of the Department Head, Human Resource Director, and County Manager or Hiring Authority, an employee may be placed on disciplinary suspension (without pay), demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to County service in order to 1) avoid undue disruption of work; 2) to protect the safety of persons or property; or 3) for other serious reasons. Disciplinary suspension should not normally exceed three days for nonexempt employees and should be one full week for exempt employees as prescribed by the FLSA.

#### **Section 5. Detrimental Personal Conduct Defined**

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the County may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of the government may be or have been violated. Examples of detrimental personal conduct include, but are not limited to, the following:

- 1) Fraud or theft;
- 2) Commission of a felony or the entry of a plea of nolo contendere thereto;
- 3) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- 4) Willful misuse or gross negligence in the handling of County funds;
- 5) Willful or wanton damage or destruction to property;
- 6) Willful or wanton acts that endanger the lives and property of others;
- 7) Possession of unauthorized firearms or other lethal weapons on the job;
- 8) Brutality in the performance of duties;
- 9) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;
- 10) Engaging in incompatible employment or servicing a conflicting interest;

- 11) Request or acceptance of gifts in exchange for favors or influence;
- 12) Engaging in political activity prohibited by this policy; or
- 13) Stated refusal to perform assigned duties or flagrant violation of work rules and regulations.

#### **Section 6. Pre-Dismissal Conference.**

Before dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the County Manager or Hiring authority, the Human Resource Director or a Department Head will conduct a pre-dismissal conference. At this conference, the employee may present any response to the proposed dismissal to the County Manager or Hiring Authority, Human Resource Director or Department Head. The County Manager or Hiring Authority, Human Resource Director or Department Head will consider the employee's response, if any, to the proposed dismissal, and will, within three working days following the pre-dismissal conference, notify the employee in writing of the final decision. If the employee is dismissed, the notice shall contain a statement of the reasons for the action and the employee's appeal rights under the County's grievance procedure.

#### **Section 7. Non-Disciplinary Suspension**

During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the supervisor, be in the best interest of the County, the Department Head, with the approval of the Human Resource Director and the County Manager or Hiring Authority, may suspend the employee for the duration of the proceedings as a non-disciplinary action. In such cases, the County may:

- 1) Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the suspension, or
- 2) Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

If the employee is reinstated following the suspension such employee shall not lose any benefits to which otherwise employee would have been entitled had the suspension not occurred. If the employee is terminated following suspension, the employee shall not be eligible for any pay from the date of suspension; provided, however, all other benefits with the exception of accrued annual leave and sick leave shall be maintained during the period of suspension.

## **ARTICLE XI. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL**

### **Section 1. Policy**

It is the policy of the County to provide a just and prompt procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair.

Employees utilizing the grievance procedure shall not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under the grievance procedure. Supervisors or other employees who violate this policy shall be subject to disciplinary action up to and including dismissal.

### **Section 2. Grievance Defined**

A grievance is a claim or complaint by an employee based upon an event or condition, which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.

### **Section 3. Purposes of the Grievance Procedure**

The purposes of the grievance procedure include, but are not limited to:

- 1) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- 2) Encouraging employees to express themselves about the conditions of work which affect them as employees;
- 3) Promoting better understanding of policies, practices, and procedures which affect employees;
- 4) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures; and
- 5) Increasing the sense of responsibility exercised by supervisors in dealing with their employees.
- 6) Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible in the chain of command; and
- 7) Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the County or its leaders, thus freeing up employee motivation, productivity, and creativity.

### **Section 4. Procedure**

When an employee or group of employees has a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved. A decision to rescind a disciplinary suspension, demotion or dismissal must be approved by the Appointing Authority before the decision becomes effective.

**Informal Resolution.** Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the Human Resources Office as a resource to help resolve the grievance. Mediation may be used at any step in the process and is encouraged. Mediation is the neutral facilitation of the conflict between or among parties where the facilitator helps the parties find a mutually agreeable outcome.

**Step 1.** If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the supervisor in writing. The written grievance must be received by the supervisor within fifteen calendar days of the event or within fifteen calendar days of learning of the event or condition. The supervisor shall respond to the grievance within five calendar days after receipt of the grievance. The supervisor should, and is encouraged to, consult with any employee of the County in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

The response from each supervisory level for each step in the formal grievance process shall be in writing and signed and dated by the supervisor. In addition, the employee shall sign a copy to acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Human Resources Director.

**Step 2.** If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal, in writing, to the Department Head within five calendar days after receipt of the response from Step 1. The Department Head shall respond to the appeal, stating the determination of decision within five calendar days after receipt of the appeal.

**Step 3.** (For general County employees only) If the grievance is not resolved to the satisfaction of the employee by the Department Head, the employee may appeal, in writing, to the County Manager or Hiring Authority within five calendar days after receipt of the response from Step 2. The County Manager shall respond to the appeal, may meet with the employee to discuss the grievance fully, and will make a decision within ten calendar days. The County Manager's decision is final. However, the County Manager should inform the County Board of Commissioners of any possible legal actions. Any appeal of this decision must be made through the North Carolina Court System.

**Special Note:** The Sheriff and Register of Deeds will carry out the responsibilities designated as the County Manager in their respective departments.

**Step 3.** (For employees only in the Social Services Department) If the grievance is not resolved to the satisfaction of the employee by the Department Head, the employee may appeal the decision to the North Carolina Office of Administrative Hearings (OAH) within thirty calendar days of the receipt of the Department Head's decision. The findings of the OAH will be forwarded to the State Personnel Commission. The decision of the State Personnel Commission shall be advisory only and the Department Head shall have the final decision. Discrimination cases may be appealed directly to the OAH.

## **Section 5. Role of the Human Resources Director**

Throughout the grievance procedure, the roles of the Human Resources Director shall be as follows:

1. To advise parties (including employee, supervisors, and County Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;
2. To be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents.
3. To give notices to parties concerning timetables of the process, etc.;
4. To assist employees and supervisors in drafting statements; and
5. To facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
6. To help locate mediation or other resources as needed.

The Human Resources Director shall also determine whether or not additional time shall be allowed to either side in unusual circumstances if the parties cannot agree upon extensions when needed or indicated.

## **Section 6. Grievance and Adverse Action Appeal Procedure for Discrimination**

When an employee, former employee, or applicant believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion, creed, political affiliation, or disability) he or she has the right to appeal such action using the grievance procedure outlined in this policy. While such persons are encouraged to use the grievance procedure, they shall have the right to appeal directly to the Human Resource Director and the County Manager. An employee or applicant should appeal an alleged act of discrimination within thirty calendar days of the alleged discriminatory action, but may appeal for up to six months following the action.

## **ARTICLE XII. PERSONNEL RECORDS AND REPORTS**

### **Section 1. Public Information**

In compliance with GS 153A-98, the following information with respect to each County employee is a matter of public record: name; age; date of original employment or appointment to the service; current position title; current salary; date and amount of the most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and the office to which the employee is currently assigned. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the County may adopt. The Human Resource Director, or his/her designate, shall be the sole employee who shall receive requests under this Section and who shall provide any information as required.

The person requesting information under this Section shall make such request in writing to the Human Resource Director and shall provide his name and the purpose for such request. The Human Resource Director shall provide that information to the employee about whom the request is made along with one copy of any document given the person making the request.

### **Section 2. Access to Confidential Records**

All information contained in a County employee's personnel file, other than the information mentioned above is confidential and shall be open to inspection only in the following instances:

- 1) The employee or his/her duly authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient.
- 2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- 3) A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- 4) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- 5) An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the County Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability.

However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

- 6) An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- 7) The County Manager, with the concurrence of the County Board, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or



termination of a County employee, and the reasons for that action. Before releasing that information, the County Manager shall determine that the release is essential to maintaining the level and quality of County services. The written determination shall be retained in the County Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

The County Board shall establish procedures for all personnel files containing information other than the public information mentioned above whereby an employee who objects to material may seek to have the material removed from the file or may place in the file a statement relating to the material.

### **Section 3. Personnel Actions**

The Human Resources Director, with the approval of the County Manager, will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. The official personnel files are those which are maintained by the Human Resources Office. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents. Any documents not contained in these files or maintained as designated by the Human Resources Director are not an official part of the personnel file.

### **Section 4. Records of Former Employees**

The provisions for access to records apply to former employees as they apply to present employees.

### **Section 5. Remedies of Employees Objecting to Material in File**

An employee who objects to material in his/her file may place a statement in the file relating to the material considered to be inaccurate or misleading. The employee may seek removal of such material in accordance with established grievance procedures.

### **Section 6. Penalties for Permitting Access to Confidential Records**

Section 153A-98 of the General Statutes provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount consistent with the General Statutes.

### **Section 7. Examining and/or Copying Confidential Material without Authorization**

Section 153A-98 of the General Statutes of North Carolina provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined consistent with the General Statutes.

### **Section 8. Destruction of Records Regulated**

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with GS 121.5 (b), without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever, alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined in an amount provided in Chapter 132.3 of the General Statutes.

## **ARTICLE XIII. IMPLEMENTATION OF POLICIES**

### **Section 1. Conflicting Policies Repealed**

All policies, ordinances, or resolutions that conflict with the provisions of these policies are hereby repealed.

### **Section 2. Separability**

If any provision of these policies or any rule, regulation, or order thereunder of the application of such provision to any person or circumstances is held invalid, the remainder of these policies and the application of such remaining provisions of these policies of such rules, regulations, or orders to persons or circumstances other than those held invalid will not be affected thereby.

### **Section 3. Effective Date**

These policies shall become effective on July 2, 2001.

## **Electronic Communications Policy**

<p><b>BY VIRTUE OF THIS POLICY, ALL SYSTEM USERS ACKNOWLEDGE THE PUBLIC NATURE OF ELECTRONIC COMMUNICATIONS AND UNDERSTAND THAT THE COUNTY HAS THE RIGHT TO INSPECT AND REVIEW SUCH COMMUNICATIONS.</b></p>
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### **Section 1. Purpose**

This policy covers the use of all technology resources belonging to the County of Camden. It includes, but is not limited to pagers, radios, all computer systems of any size and function and their attached peripherals, phones, cellular phones, faxes, voice mail systems. E-mail systems, network resources and Internet resources (Communications Systems). The County provides technology resources to enable County employees to provide timely and efficient services. This is the primary function of these resources and any activity or action that interferes with this purpose is prohibited. Failure to adhere to this policy places the County and the individual at risk for legal and financial liabilities, potential embarrassment and other consequences.

### **Section 2. Administration**

Each Department Head shall become thoroughly familiar with the requirements set forth in this policy and to administer this policy consistently within the department and with other departments. The Department Head shall explain this policy within that department and see that it is fully implemented. It is the Department Head's responsibility to ensure their department's users abide by the requirements and guidelines set forth in this and any related documents. Department Heads and Systems Administrator (Finance Director or his designee) has the authority to inspect the contents of any equipment, files, or mail in the normal course of their supervisory responsibilities. Reasons for review include, but are not limited to investigation of network slowdown; system hardware or software problems including software license compliance, general system failure, litigation or potential litigation; reasonable suspicion of a crime or violation of policy; or a need to perform work or provide a service when an employee is not available. All communication system users acknowledge their consent that the County may, at its discretion, inspect, use or disclose any electronic communications and/or data without further notice for any legitimate business, legal or discretionary purpose. The County may utilize monitoring software to administer this policy.

### **Section 3. Public Nature of Electronic Communication**

Electronic communication is a public record like any other public document. Users must understand that any communications created, received or backed up on the County system may be construed to be public documents and thus may be subject to legal requests for public disclosure. This includes communications that users might think of incorrectly, as personal and private. Electronic communications may be searched for evidence in any legal proceeding.

## Section 4. E-mail/Internet

Use of the Communications Systems by employees for personal use must be restricted to occasional use that does not interfere with the conduct of County business. Personal use should be limited to personal time (breaks after hours) and personal use of the Internet and e-mail on County time must be kept to a minimum. Supervisors are expected to monitor the extent of personal use of these assets during regular working hours.

Any business or personal use of the Internet or e-mail by a County employee shall clearly and accurately identify the employee. Anonymous or pseudonymous use is prohibited.

E-mail is considered an official form of communication between departments and between employees. Computer users are required to check for the receipt of e-mail messages each working day.

The following uses of the County's Communications Systems are strictly prohibited:

- Use of the Communications Systems to send chain letters.
- Use of the Communications Systems to knowingly send copies of documents in violation of copyright laws.
- Use of the Communications Systems to compromise the integrity of the County and its business in any way.

Use of the Communications Systems to send messages containing offensive, abusive, discriminatory, threatening, harassing, or other language inappropriate for the operation of the County.

Use of the Communications Systems to send messages that violate any policy of the County including the County's Policy Against Harassment. Such messages include, but are not limited to, messages that contain sexual implications, racial slurs, or other comment that offensively addresses someone's age, gender, sexual orientation, religious or political beliefs, national origin or disability.

- Use of the Communications Systems for the advertisement of personal business.
- Intentionally viewing, downloading and/or transmitting materials (other than that required for police business) that involve the use of obscene language, images, jokes, sexually explicit materials or messages that abuse or belittle any person, group or classification of individuals is strictly prohibited.
- Use of the Communication System to distribute personnel information unless it is an authorized Human Resource function that includes but is not limited to salary, performance reviews, complaints, grievances, misconduct, disciplinary information, medical records or related information.
- Installation of software without prior authorization from the Systems Administrator.
- Employees shall not permit unauthorized persons to use the County's electronic Communication System.
- Use of the Internet to purchase equipment or supplies with the submission of a County credit card number is strictly prohibited. Purchases made by purchase orders must have prior approval by Department Head.
- Installation of Software by third-party software vendors unless authorized by the Systems Administrator.

## **Section 5. Security**

All electronic communications are the property of the County, are subject to monitoring and therefore not considered private. The County will disclose any electronic mail message as required by appropriate law or regulation. The County shall promptly access electronic communication data:

- When a user leaves the employ of the County for any reason. User's mail will be accessed for the purpose of saving those messages that pertain to County business. These files may be subject to transfer to another user if necessary to conduct County business. The employee's County e-mail service will be discontinued.
- When necessary to investigate a possible violation of a County policy or a breach of the security of the Communications Systems.
- In the event there is reasonable suspicion a user has committed or is committing any crime.

## **Section 6. Telephones**

The telephone system is intended primarily to accomplish the work of the County. Providing services to internal and external customers is always the first priority. Personal use should be limited in accordance with the provisions of Internet and e-mail use.

The County will deem personal use excessive if it prevents the employee from handling customer inquiries, complaints and requests for service in a timely manner or if it interferes with employees accomplishing their job responsibilities. All personal toll calls are to be reimbursed to the County.

## **Section 7. Printers, Copiers, and Faxes**

Photocopy machines, printers and fax machines shall be used for the transaction of County business. Any personal use must be pre-approved by the Department Head. Unauthorized copying of copyrighted material is strictly prohibited.

## **Section 8. Violations**

It is the user's responsibility to read and abide by topics set forth in this document. If any employee violates any of the provisions of this policy, or a supervisor or department head who knowingly permits a violation of this policy, the employee, supervisor or Department Head will be subject to disciplinary action up to and including dismissal, as provided in the Personnel Policy.

## Drug and Alcohol Testing Policy

### Section 1. Purpose and Scope of Policy

- A. The purpose of this policy is to maintain a drug- and alcohol-free workplace and to provide procedures for conducting screenings of job applicants and employees for the use of illegal drugs and the improper use of prescription drugs.
- B. Employees with substance-abuse problems are encouraged to voluntarily seek help from the employee assistance program. However, employees who fail drug or alcohol tests may be disciplined, up to and including termination.
- C. All testing will be conducted in a manner that will protect the rights of employees and applicants subject to testing. Therefore, the County of Camden will take all necessary steps to safeguard the dignity and self-esteem of those being tested, and will ensure adherence to all procedures pertaining to the implementation of this Policy. The County of Camden will adhere strictly to all standards of confidentiality and assure all employees that testing records and results will be released only to those authorized to receive such information.
- D. Participation in a counseling, treatment, or rehabilitation program for drug and/or alcohol use or abuse will not be grounds for discharge provided the employee voluntarily enters such a program prior to being identified as a drug user/abuser or alcohol abuser by means such as tests, and before the employee becomes suspected under circumstances satisfactory to the County of Camden of being a drug user/abuser or alcohol abuser.
- E. This policy shall not apply to applicants and appointees to county boards and commissions, elected officers, i.e. the Sheriff, Register of Deeds, and Clerk of Court or their employees. It shall apply to appointed officers such as the County Manager, County Attorney, tax administrator, and clerk to the board.

### Section 2. Drug and Alcohol Tests Required by the United States Department of Transportation

This section covers all employees who must hold a commercial driver's license as a job requirement and all employees who perform other safety-sensitive functions as defined by the U.S. Department of Transportation (DOT) regulations.

- A. **Pre-placement.** Before a covered employee initially performs safety-sensitive functions for the County of Camden, he or she must undergo testing for drugs. Covered applicants for employment or current covered employees transferring into position that requires testing must pass a pre-placement drug test.
- B. **Post Accident.** Post-accident testing must be conducted on any driver or any other safety-sensitive employee not in the vehicle (e.g., maintenance personnel) whose performance could have contributed to the accident. A determination whether to test covered employees who were not in the vehicle but who may have contributed to the accident will be made based on the best information available at the time of the decision. The Federal Highway Administration mandates that tests must be conducted in the event of a fatality or if the driver receives a citation under state or local law for a moving traffic violation arising from the accident. Federal Transit Administration mandates testing in the event of a fatality or in the event that a driver receives a citation and an individual suffers a bodily injury or immediately receives medical treatment away from the accident scene or if one of the vehicles in the accident is disabled to the extent that it must be towed.
- C. **Reasonable Suspicion.** A test will be conducted when there is reason to believe that the employee has used a prohibited drug or has misused alcohol as defined in this Policy. Reasonable-suspicion testing is authorized only if the required observations are made by a trained supervisor or official of the locality where the covered employee is on duty.
- D. **Random Testing.** Employees designated as safety sensitive, as defined by the DOT guidelines will be tested on an unannounced basis throughout the year. Computer-based, random numbers generated and matched with the employee's identification number will determine who is tested.
- E. **Return to Duty.** An employee who has a positive breath alcohol test of 0.04 or greater will not be allowed to return to duty in the performance of a safety-sensitive function until he or she has been evaluated by a substance abuse professional and until he or she tests negative-less than 0.02-on a return-to-duty alcohol test.
- F. **Follow-up.** Once allowed to return to duty, an employee who has been determined by the evaluating substance abuse professional to be in need of assistance in resolving problems associated with misuse of drugs and/or alcohol must submit to a minimum of six follow-up tests within the first twelve months following rehabilitation. Follow-up testing may be extended for up to sixty months following return to duty as prescribed by the evaluating substance abuse professional.

### Section 3. Drug and Alcohol Abuse and Testing Policy for all Employees

- A. The unlawful manufacture, distribution, dispensation, possession, purchase, or use of drugs by employees is prohibited and constitutes grounds for immediate termination.
- B. The manufacture, distribution, dispensation, possession, storage, purchase or use of alcohol by employees while at the workplace is prohibited and constitutes grounds for immediate termination.
- C. Employees who are terminated as a result of a violation of this Policy shall be referred to the employee assistance program for evaluation and further counseling or treatment by a substance abuse professional.
- D. An employee who tests positive for alcohol and is not terminated will receive a five-day suspension without pay, one hundred-eighty-day performance probation, and a mandatory referral to a substance abuse professional. The employee shall be evaluated by the substance abuse professional and follow any rehabilitation program prescribed. The employee shall be subject to all other return to subject to all other return-to-work provisions as outlined in this Policy. Refusal to comply with the rehabilitation program prescribed by the substance abuse professional will result in termination. However, before proceeding with disciplinary action, the employee's department head must assure that the facts of the case are reviewed by the human resources department. A second such occurrence of a positive alcohol test within five years of the first occurrence will result in termination.
- E. No safety-sensitive employee shall use alcohol within four hours before going on duty or operating, or having physical control of, a commercial motor vehicle or transit service vehicle.
- F. No employee shall report for duty or remain on duty in a safety-sensitive function while having an alcohol concentration or 0.04 or greater. An employee reports to work and whose breath alcohol test indicates a 0.04 or greater level of alcohol in the employee's system shall be considered to have a positive alcohol test and shall be disciplined as outlined in this Policy.
- G. When there is reasonable suspicion (see Section 8, Definitions) that an employee on duty has alcohol or drugs in his or her system, the employee will be tested. If the employee tests positive and management concludes that alcohol or drug consumption occurred on the job, the employee will be terminated. If the employee tests positive and department management concludes that alcohol or drug consumption occurred while not on the job, the employee shall receive appropriated discipline as outlined in this Policy.
- H. A reasonable-suspicion or post-accident alcohol test shall be administered no later than eight hours following the determination of reasonable suspicion or following the accident. If the test is not administered within two hours, the supervisor must document the reason(s) the alcohol test was not promptly administered. If the alcohol test is not administered within eight hours following the determination of reasonable suspicion or following the accident, the supervisor shall cease attempts to administer the test and must document the reason(s) for not administering the test. In the event an alcohol test is not conducted with the eight-hour time frame, the following should occur:
  - 1. No employee shall be allowed to remain on duty until an alcohol test is administered and the employee's alcohol concentration measures less than 0.02, or
  - 2. Twenty-four hours have elapsed following the determination of reasonable suspicion. No employee may refuse to submit to an alcohol test as required by the regulations.
- I. A written record shall be made of the observations leading to a reasonable-suspicion drug or alcohol test and signed by the supervisor or departmental designee who made the observations within twenty-four hours of the observed behavior or before the results of the controlled-substances test are released, whichever is earlier.
- J. A post-accident drug test shall be administered within thirty-two hours following the accident. If the drug test is not administered within thirty-two hours, the supervisor shall cease attempts to administer a drug test and must document the reason(s) for not administering the test. No employee may refuse to submit to a drug test required by the regulations. No safety-sensitive employee involved in an accident that requires an alcohol test shall consume any alcohol for eight hours following the accident or until a post-accident alcohol test is performed, whichever comes first.
- K. An employee who is tested (exclusive of the return-to-duty test) and found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform his or her job functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four hours following administration of the test. The employee shall be removed from duty without pay for this twenty-four hour period and shall receive a notation in his or her performance appraisal about the requirement of reporting to work without the presence of alcohol in his or her system.
- L. Employees assigned to positions that are determined to be safety sensitive will be randomly tested for alcohol and drugs. Selected employees will be transported to the designated testing location. Random testing for drugs and alcohol shall be conducted at the rate mandated by DOT or city policy.
- M. A drug and alcohol test will be included as part of the promotion/demotion/transfer/selection process for employees determined to be final candidates for positions requiring a commercial driver's license for positions requiring a physical examination and for positions that are safety sensitive.
- N. An employee who tests positive for alcohol must submit to a return-to-duty breath alcohol test before resuming the performance of safety-sensitive functions following a disciplinary suspension. The return-to-duty alcohol test must indicate an alcohol concentration of less than 0.02. A return-to-duty breath alcohol test result of 0.04 or greater will be considered as the second positive alcohol test within a five-year period and will result in termination.
- O. An employee who refuses to submit to, or fails to follow through with, a drug or alcohol test when testing is required by this Policy will be terminated. However, before proceeding with disciplinary action, the employee's department head must assure that the facts of the case are reviewed by the human resources department.

- P. If an employee alleges that, because of medical reasons, he or she is unable to provide a sufficient amount of breath to permit a valid breath test, the breath alcohol technician shall instruct the employee a second time to attempt to provide an adequate amount of breath. If the employee continues to allege an inability to provide an adequate amount of breath for the test, the department shall be notified that the employee has refused to be tested. The employee will be directed to obtain, as soon as practicable after the attempted provision of breath, an evaluation from a licensed physician acceptable to the County of Camden addressing the employee's medical ability to provide the adequate amount of breath. If there is not a medical reason acceptable to management for the employee's inability to provide the breath, the employee will be considered to have refused to submit to the alcohol test and will be disciplined according to the guidelines established by this Policy.
- Q. An employee who does not pass the drug or alcohol test and is terminated will not be considered for re-employment for a two-year period following the date of the test and then will be considered only when (a) he or she provides documentary proof of successful completion of a drug and/or alcohol abuse treatment or rehabilitation program and (b) he or she passes a pre-placement drug and/or alcohol test.
- R. An employee shall inform his or her supervisor if, prior to beginning work or while he or she is on duty, that he or she has used or intends to use any prescription drug, over-the-counter drugs, or other substance that might impair his or her ability to satisfactorily perform duties. Employees are responsible for a thorough understanding of the effects and potential side effects of medications or other chemical substances taken. Failure to notify the supervisor under these circumstances may result in disciplinary action up to and including termination depending on the severity of the resulting incident. The human resources department will be consulted prior to such discipline being imposed.
- S. The medical review officer will review the findings of a drug test with the employee before a final determination is made that the employee did not pass the drug test. The purpose of this review is to ensure that the findings of a positive test are not based on factors other than the use of the drug for which the positive result is found.
- T. Employees returning to the workforce following completion of a drug and/or alcohol rehabilitation program will be tested on an unannounced and periodic basis for drugs and/or alcohol during the sixty months following their return to work. Those employees covered by DOT guidelines must submit to a minimum for six follow-up tests within the first twelve months following rehabilitation. A follow-up breath alcohol test result of 0.04 or greater will result in termination. A follow-up breath alcohol test result of 0.02-0.039 will result in a five-day suspension without pay. A second such occurrence of a follow-up breath alcohol test result of 0.02-0.039 within the prescribed sixty-month period will result in termination.
- U. If an employee is convicted of a violation of a criminal drug statute and such violation occurred while the employee was on duty, the employee must notify his or her department head of the conviction within five days after such conviction. (NOTE: This is a requirement of the Drug-Free Workplace Act.) Failure to comply with this requirement will result in termination.

#### **Section 4. Applicant Testing**

- A. Applicants determined to be final candidates for commercial driver's license positions will be required to submit to a drug screening. The drug screen shall be performed within forty-eight hours from the time the conditional job offer is made.
- B. Applicants determined to be final candidates for positions requiring a commercial driver's license or positions designated as safety-sensitive by DOT guidelines will also be required to submit to an alcohol screening. The applicant must have a breath alcohol test result of less than 0.04 to be considered for employment.
- C. Applicants for temporary positions requiring a commercial driver's license, or positions designated as safety-sensitive by DOT guidelines, will be required to submit to a drug and alcohol screening.
- D. It is strongly recommended that applicants for temporary positions designated as safety sensitive be required to submit to a drug screen.
- E. Candidates for other temporary positions should be required to submit to a drug screen if the department determines that the nature of the job and the length of the assignment justifies a test.
- F. An applicant will have four hours to provide an acceptable urine specimen. An applicant who refuses to submit to, or fails to follow through with, the drug test as required, will not be considered for employment for a two-year period.
- G. An applicant who does not pass the drug test as required will not be considered for employment for a two-year period following the date of the test and then will be considered only when (1) such applicant provides documentary proof that he or she has successfully completed a drug and/or alcohol abuse or rehabilitation program and (2) such applicant passes a pre-placement drug and/or alcohol test.
- H. Any applicant covered by the provisions of the DOT alcohol-and drug-testing guidelines whose breath alcohol test result indicates an alcohol concentration of 0.02-0.039 will not be considered for employment for a two-year period following administration of the test.
- I. Applicants having completed a drug or alcohol rehabilitation program within two years prior to their employment with the County of Camden will be required to certify that they have successfully completed the program before they can be hired. If hired, these employees will be tested on an unannounced and periodic basis for drugs and/or alcohol during the sixty months following their hire.

#### **Section 5. Compliance with Law**

- A. Information regarding the testing and referral of employees and applicants under this Policy will be treated as confidential in accordance with the requirements of North Carolina law governing the privacy of employee personnel records.



- B. Searches and seizures are to be conducted in a legal manner. The County of Camden reserves the right to conduct searches or inspections of property assigned to an employee whenever a department head or his or her designee determines that the search is reasonable under all the circumstances.

## **Section 6. Supervisory Responsibilities**

Every supervisor shall

- A. Consistently apply this Policy to all employees under his or her supervision. A supervisor who fails to apply this Policy when he or she believes, or reasonably should believe, that an employee under his or her supervision has committed a violation will be disciplined.
- B. Initiate the process for having an employee drug or alcohol tested if there is reasonable suspicion that an employee under his or her supervision, when such employee is on duty, has an illegal drug or alcohol in his or her system or is using any legal drug in a manner other than it was intended.
- C. Insure that employees he or she supervises are aware of the requirements and consequences of this Policy.
- D. Follow the procedure established by the department head for assuring that an employee who is to be tested for alcohol or other drugs is transported to the designated test site, and that those employees for whom there is reasonable suspicion of substance abuse or who have had a breath alcohol test result of 0.02 or greater are transported home-either by personal family/friends or by arranged transportation.

## **Section 7. Employee Responsibilities**

Every employee shall

- A. Abide by this Policy as a condition of employment.
- B. Comply with all applicable laws regulating the manufacture, distribution, dispensation, use or possession of illegal drugs, alcohol, or prescription drugs.
- C. Assure that his or her ability to perform his or her job duties is not negatively affected due to use of a drug or alcohol when scheduled to report to work or when on "on call" status. Should any employee be requested to report to work for a safety-sensitive job earlier than his or her normal or previously assigned time, it is the employee's responsibility to advise his or her supervisor of an inability to perform his or her job duties or that he or she has consumed alcohol within the last four hours prior to reporting for duty. If the employee had received prior notice that he or she might be called back into work, the employee shall be considered AWOL if he or she is unable to report to duty. An employee may be subject to other disciplinary action due to inability to report for duty.
- D. Submit immediately to a drug or alcohol test when requested by his or her supervisor.
- E. Notify his or her department head, if convicted of a violation of a criminal drug statute and such violation occurred while the employee was on duty, within five days after such conviction, as required by the Drug-Free Workplace Act.

## **Section 8. Definitions**

**Accident** means an occurrence involving a commercial motor vehicle operating on a public road that results in a fatality; bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle.

**Alcohol test** means a test for the presence of alcohol in the body as determined through the use of a breath alcohol test, evidential breathalyzer test, or blood screening.

**Conviction** means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with responsibility to determine violations of federal or state criminal drug statutes.

**Criminal drug statute** means a criminal statute relating to the manufacture, distribution, dispensation, use or possession of any drug.

**Drug** means a controlled substance as listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) or Chapter 90, Section 87(5) of the North Carolina General Statutes or a metabolite thereof.

**Drug test and drug screening** means a test, including providing the necessary sample of body fluid by the employee to be tested, for the presence of any of the following drugs or drug metabolites in the urine or blood of an employee

- a. Amphetamines
- b. Barbiturates
- c. Benzodiazepines
- d. Cannabinoids
- e. Cocaine
- f. Methaqualone
- g. Opiates
- h. Phencyclidine

- i. Propoxyphene
- j. Other drugs that may be determined to reduce work efficiency

**Medical review officer** is a North Carolina-licensed physician with specific training in the area of substance abuse. The medical review officer not only has knowledge of substance-abuse disorders, but also has been trained to interpret and evaluate laboratory test results in conjunction with an employee's medical history. The medical review officer verifies a positive drug test result by reviewing a laboratory report and an employee's unique medical history to determine whether the result was caused by the use of prohibited drugs or by an employee's medical condition.

**On call** means being subject to a call to report immediately to work for the County of Camden.

**On duty** means when an employee is at the workplace, performing job duties, on call, or during any other period of time for which he or she is entitled to receive pay from the County of Camden.

**Other substance** means any substance that has the potential to impair appreciably the mental or physical function of a person who does not have an unusual or extraordinary reaction to such substance.

**Positive**, with respect to the results of a drug test, means a laboratory finding of the presence of a drug or a drug metabolite in the urine or blood of an employee at the levels identified by the Substance Abuse and Mental Health Services Administration (SAMHSA), or for drugs not subject to SAMHSA guidelines, at the levels identified by the County of Camden; all positive tests will be confirmed using a different technology than was used for the first test, such as the gas chromatography/mass spectrometry (GC/MS) process.

**Positive**, with respect to the results of an alcohol test, means the presence of alcohol in the employee's system at the 0.04 level or greater.

**Negative**, with respect to the result of a drug test, means a test result that does not show the presence of drugs at a level specified to be a positive test.

**Negative**, with respect to the results of an alcohol test, means a test that indicates a breath alcohol concentration of less than 0.02.

**Qualified negative**, with respect to the results of a drug test, means a test in which the lab result is consistent with legal drug use.

**Canceled**, with respect to the results of a drug test, means a test result in which the medical review officer finds insufficient information or inconsistent procedures with which to make a determination.

**Random testing** is testing conducted on an employee assigned to a safety-sensitive position and is chosen by a method that provides an equal probability that any employee from a group of employees will be selected.

**Reasonable suspicion** exists when a supervisor, who has received the required training in detecting the signs and symptoms of probable drug and/or alcohol use, can substantiate specific contemporaneous, articulable observations concerning appearance, behavior, speech, or body odor or other physical indicators of probable drug or alcohol use. By way of example and not limitation, any one or a combination of the following may constitute reasonable suspicion:

- a. Slurred speech
- b. The odor of marijuana or alcohol about the person
- c. Inability to walk a straight line
- d. An accident resulting in damage to property or personal injury
- e. Physical altercation
- f. Verbal altercation
- g. Behavior that is so unusual that it warrants summoning a supervisor or anyone else in authority (i.e. confusion, disorientation, lack of coordination, marked personality changes, irrational behavior)
- h. Possession of drugs
- i. Verifiable information obtained from other employees based on their observations
- j. Arrests, citations, and deferred prosecutions associated with drugs or alcohol

**Unannounced follow-up testing** is testing conducted on an employee on a periodic, unannounced basis, following his or her return to work from an approved drug or alcohol rehabilitation program.

**Pre-placement testing** is testing conducted on a current county employee prior to his or her being promoted, transferred, or demoted into a safety-sensitive position.

**Safety-sensitive** position means:

A position will be designated safety sensitive only where the County of Camden has a compelling need, on the basis of safety concerns, to ascertain on-the-job impairment on the part of employees who hold the position. Such a compelling need may arise where the duties of a position create, or are accompanied by such a great risk of injury to other persons or to property of such magnitude that even a momentary lapse of attention, judgment, or dexterity could have disastrous consequences.

Examples of these positions include:

- a. Positions (full or part time) requiring the use of weapons (or potential use of weapons) or the operation of vehicles, machinery, or equipment as a primary task (does not include routine office equipment).
- b. Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace.
- c. Positions including but not limited to Public Works employees and county employees who routinely drive county vehicles or other activities which involve either public safety or safety concerns for others.
- d. Other positions as determined on a case-by-case basis.

The following includes activities defined as safety sensitive by the Federal Highway Administration or Federal Transit Administration portions or the DOT guidelines:

- a. Driving.
- b. Inspecting, servicing, or conditioning any commercial motor vehicle.
- c. Waiting to be dispatched at a carrier or shipper plant, terminal, facility, or other public property.
- d. Performing all other functions in or upon any commercial motor vehicle except resting in a sleeper berth.
- e. Loading or unloading a vehicle, supervising or assisting in the loading or unloading of a vehicle, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or giving or receiving receipts for shipments being loaded or unloaded.
- f. Performing driver requirements relating to accidents.
- g. Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- h. Operating a revenue service vehicle, including when not in revenue service.
- i. Operating a nonrevenue service vehicle when required to be operated by a holder of a commercial driver's license.
- j. Controlling dispatch or movement of a revenue service vehicle.
- k. Maintaining a revenue service vehicle or equipment used in revenue service.
- l. Carrying a firearm for security reasons.

Determination as to which positions are safety sensitive will be based on DOT guidelines or the recommendation of the department head and approval by the personnel department.

**Supervisor**, in general, means any employee who has the authority to direct the job activities of one or more other employees. With respect to a particular employee, the term means such employee's immediate supervisor and all persons having indirect supervisory authority over such employee.

**Pass a drug test** means that the result of a drug test is negative. The test either

- a. Showed no evidence or insufficient evidence of a prohibited drug or drug metabolite, or
- b. Showed evidence of a prohibited drug or drug metabolite but there was a legitimate medical explanation for the result as determined by a certified medical review officer.

**Pass an alcohol test** is a negative alcohol test. The test showed no evidence or insufficient evidence of a prohibited level of alcohol.

**Workplace** means the location or facility where an employee may be expected to perform any task related to the requirements of his or her job. This includes break rooms and restrooms, outdoor worksites, the County of Camden's vehicles or personal vehicles (while personal vehicle is being used for the County of Camden business), computer work stations, conference rooms, hallways, private offices, open/partitioned work areas, public contact/customer service/medical services areas, and parking lots.

**Substance abuse professional** means a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of both drug- and alcohol- related disorders.

**Commercial motor vehicle** means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle

- a. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- b. Has a gross vehicle weight rating of 26,001 or more pounds; or
- c. Is designed to transport 16 or more passengers, including the driver; or
- d. Is of any size and is used in the transportation of materials found to be hazardous for the purpose of the Hazardous Materials Transportation Act and that requires the motor vehicle to be placarded under the Hazardous Materials Regulations.

**Confirmation test** for alcohol means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. Confirmation test for controlled substances means a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screen test and that uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GM/MS) is the only authorized confirmation method for the five SAMHSA drugs.

**Refuse to submit** means that an employee (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, (3) refuses to sign the breath alcohol confirmation test certification, or (4) engages in conduct that clearly obstructs the testing process. An employee subject to the post-accident before a required test is administered or fails to remain readily available for testing may be deemed to have refused to submit to testing.

**Effective Date**

01-Jul-01 Personnel Policy  
05-Feb-07 Electronic Communications Policy  
03-Jan-12 Drug and Alcohol Testing Policy

Revisions made to the Personnel Policy:

<b>Revision Date</b>	<b>Article Number changed</b>	<b>Section/Article changed</b>
01-Mar-93	Article VI. Conditions of Employment	Section 14. Use of Tobacco Products
17-Nov-03	Article IV. The Pay Plan	Section 16. Travel Expenses Amended
01-Jul-04	Article VIII. Holidays & Leaves of Absences	Section 8. Vacation Leave: Maximum Accumulation
01-Jul-04	Article VIII. Holidays & Leaves of Absences	Section 25. Shared Leave
01-Jul-06	Article IV. The Pay Plan	Section 18. Cost of Living Raises
05-Feb-07	Article VIII. Holidays & Leaves of Absences	Section 2. Holidays revised
05-Feb-07	Article VIII. Holidays & Leaves of Absences	Section 8. Vacation Leave: Maximum Accumulation
05-Feb-07	Article VIII. Holidays & Leaves of Absences	Section 9. Vacation Leave: Manner of Taking
05-Feb-07	Article VIII. Holidays & Leaves of Absences	Section 19. Worker's Compensation
07-May-07	Article VIII. Holidays & Leaves of Absences	Section 12. Sick Leave
01-Jul-07	Article VIII. Holidays & Leaves of Absences	Section 9. Vacation Leave: Manner of Taking
02-Mar-09	Article II. Position Classification	Inserted Entire Article
02-Mar-09	Article III. Performance Evaluation Program	Inserted Entire Article
03-Aug-09	Article VIII. Holidays & Leaves of Absences	Section 2. Holidays revised
03-Aug-09	Article VIII. Holidays & Leaves of Absences	Section 4. Holidays: Compensation When Work is Required
03-Jan-12	Article VIII. Holidays & Leaves of Absences	Section 22. Civil Leave
19-Mar-12	Article VI. Conditions of Employment	Section 15. Dress Code Amended
19-Mar-12	Article VI. Conditions of Employment	Section 8. Use of County Time, Equipment, Supplies, and Vehicles
19-Mar-12	Article VIII. Holidays & Leaves of Absences	Section 9. Vacation Leave: Manner of Taking
02-Apr-12	Article IV. The Pay Plan	Section 12. Overtime Pay Provisions
04-Jun-12	Article V. Recruitment and Employment	Section 4. Probationary Period
07-Jan-13	Article VII. Employee Benefits	Section 2. Group Health and Hospitalization Insurance
04-Nov-13	Article I. General Provisions	Section 8. Definitions
02-Dec-13	Article VIII. Holidays & Leaves of Absences	Section 9. Vacation Leave: Manner of Taking
02-Dec-13	Article VIII. Holidays & Leaves of Absences	Section 14. Sick Leave: Medical Certification
03-Feb-14	Article VIII. Holidays & Leaves of Absences	Section 24. Adverse Weather Conditions
01-Dec-14	Article I. General Provisions	Section 6. Application of Policies, Plan, Rules, and Regulations